SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED SECOND GENERAL ASSEMBLY

93RD LEGISLATIVE DAY

WEDNESDAY, MARCH 9, 2022

11:04 O'CLOCK A.M.

NO. 93
[March 9, 2022]

SENATE
Daily Journal Index
93rd Legislative Day

The Senate met pursuant to adjournment.
Senator Linda Holmes, Aurora, Illinois, presiding.
Silent prayer was observed by all members of the Senate.
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, March 8, 2022, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 770
Amendment No. 2 to Senate Bill 1145
Amendment No. 2 to Senate Bill 3158

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

March 9, 2022

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Dave Koehler to temporarily replace Senator Kimberly A. Lightford as a member of the Senate Executive Committee. This appointment will expire upon adjournment of the Senate Executive Committee on March 9, 2022.

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

March 9, 2022

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Dave Koehler to temporarily replace Senator Antonio Muñoz as a member of the Senate Committee on Assignments. This appointment will expire upon adjournment of the Senate Committee on Assignments on March 9, 2022.

Sincerely,
s/Don Harmon
Don Harmon
Senate President

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

March 9, 2022

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Mattie Hunter to temporarily replace Senator Kimberly A. Lightford as a member of the Senate Committee on Assignments. This appointment will expire upon adjournment of the Senate Committee on Assignments on March 9, 2022.

Sincerely,
s/Don Harmon
Don Harmon
Senate President

COMMUNICATION FROM THE MINORITY LEADER

ILLINOIS STATE SENATE

DISTRICT OFFICE:
795 Ela Rd, Suite 208
Lake Zurich, IL 60047
(224) 662-4544

CAPITOL OFFICE:
309G State Capitol
Springfield, IL 62706
(217) 782-8010

Dan McConchie
SENATE REPUBLICAN LEADER · 26TH DISTRICT

March 9, 2022

Mr. Tim Anderson
Secretary of the Senate
Illinois State Senate
401 Capitol Building
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-2(c), I do hereby appoint Senator Steve McClure to temporarily replace Senator Jason Barickman as a member of the Senate Assignments Committee. This appointment will automatically expire at the end of Committee on March 9, 2022.

Sincerely,
s/Dan McConchie
Dan McConchie
State Senator
26th District

Cc: Senate President Don Harmon
Senate Majority Leader Kimberly Lightford
Senator Steve McClure
Assistant Secretary of the Senate Scott Kaiser
Ms. Jenna Mitchell
Ms. Nicole Besse
Ms. Reena Tandon
Mr. Jake Butcher

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 897

Offered by Senator Anderson and all Senators:
Mourns the death of David Sorensen of Moline.

SENATE RESOLUTION NO. 898

Offered by Senator Anderson and all Senators:
Mourns the death of Larry Lozell Nunn of Rock Island.

SENATE RESOLUTION NO. 899

Offered by Senator Crowe and all Senators:
Mourns the passing of Melinda "Mindy" Epps of Bethalto.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Pacione-Zayas offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 896

WHEREAS, The Prairie Band Potawatomi Nation is a federally-recognized Indian tribe that originally occupied homelands in southern Wisconsin, northern Illinois, and northwestern Indiana; and

WHEREAS, Members of the Prairie Band Potawatomi Nation were signatories to the 1829 Treaty of Prairie du Chien, which reserved two sections of land near Paw Paw Grove, Illinois for Potawatomi Chief Shab-eh-nay and his band; and

WHEREAS, Shortly thereafter, the Potawatomi people of northern Illinois were removed from their homelands in connection with the U.S. Indian Removal Policy of the 1830s; and

WHEREAS, The Prairie Band Potawatomi Nation relinquished nearly all of their initial 28 million-acre homeland in the Great Lakes area when the Treaty of Chicago was signed only three years later; and

WHEREAS, The 1833 Treaty of Chicago did not cede the Shab-eh-nay Reservation to the U.S., but instead it reaffirmed the reservation established for Chief Shab-eh-nay and his band in the 1829 Treaty of Prairie du Chien; and

WHEREAS, Because the land reserved for Chief Shab-eh-nay and his band in Illinois was expressly reserved by the U.S. Senate when it ratified the Treaty of Prairie du Chien in 1829, the land belonged to Chief Shab-eh-nay and his band despite the removal of most of his tribe to lands in Kansas; and

WHEREAS, In 1849, while Chief Shab-eh-nay was away visiting relatives in Kansas, the U.S. General Land Office illegally sold the land and passed the title to non-natives; and

WHEREAS, Since then, individuals, the State of Illinois, the DeKalb county government, and corporate entities assumed ownership of lands within the Shab-eh-nay Reservation and continue to occupy Shab-eh-nay's lands to the present day; and

WHEREAS, The current non-Indian occupants within the Shab-eh-nay Reservation should not be held liable for occupying the land; and

WHEREAS, The federal government has admitted that it violated federal law when it sold the Shab-eh-nay Reservation in 1849; and

WHEREAS, Only Congress can affirm the Prairie Band Potawatomi Nation's authority within the reservation, resolve any damages owed to them, and clear the land title of the state, county, and local residents; and

WHEREAS, The Prairie Band Potawatomi Nation seeks a complete resolution of all issues relating to the Shab-eh-nay Reservation through congressional recognition of its land ownership and the taking of land by the federal government; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the Prairie Band Potawatomi Nation's efforts to regain possession of Chief Shab-eh-nay and his band's land that was illegally sold by the federal government in 1849; and be it further

RESOLVED, That we encourage the federal government to enact legislation to address the ownership of the Shab-eh-nay Reservation reserved for Chief Shab-eh-nay and his descendants under the Treaty of Chicago in 1833.

Senator Holmes offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 52

WHEREAS, The State Board of Education has filed its Report on Waivers of School Code Mandates, dated January 28, 2022, with the House of Representatives, the Senate, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; and

WHEREAS, The General Assembly finds that these requests have not been conducted with the most appropriate procedure for district-wide financial changes that have far reaching impacts on local communities; and

WHEREAS, The General Assembly finds that school finance changes should be handled in a consistent manner in consultation with ISBE, which shall provide recommendations on the best procedure to ensure changes to these requirements in the future are given the necessary scrutiny to ensure the best outcomes for school districts and communities; and

WHEREAS, The General Assembly will assess this issue thoroughly and address the underlying issues to ensure that the waiver process is used for its intended purpose; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the waiver request made by Indian Prairie Unit School District #204, identified in the report filed by the State Board of Education as request M-300-6892, is approved; and be it further

RESOLVED, That the waiver request made by Naperville Unit School District #203, identified in the report filed by the State Board of Education as request M-300-6897, is approved.

REPORTS FROM STANDING COMMITTEES

Senator Van Pelt, Chair of the Committee on Healthcare Access and Availability, to which was referred **Senate Resolution No. 812**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 812** was placed on the Secretary's Desk.

Senator Belt, Chair of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 3663
Senate Amendment No. 1 to Senate Bill 3709
Senate Amendment No. 2 to Senate Bill 3709

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Belt, Chair of the Committee on Education, to which was referred **Senate Resolution No. 834**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 834** was placed on the Secretary's Desk.

Senator Morrison, Chair of the Committee on Health, to which was referred **House Bill No. 4369**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Crowe, Chair of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1097

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Crowe, Chair of the Committee on Judiciary, to which was referred **House Bill No. 5047**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Crowe, Chair of the Committee on Judiciary, to which was referred **House Bill No. 4158**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Villivalam, Chair of the Committee on Transportation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1233
Senate Amendment No. 4 to Senate Bill 3629

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Martwick, Chair of the Committee on Pensions, to which was referred **House Bill No. 4292**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

APPOINTMENT MESSAGES

Appointment Message No. 1020365

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Secretary

Agency or Other Body: Illinois Department of Innovation and Technology

Start Date: March 8, 2022

End Date: January 16, 2023

Name: Jennifer Ricker

Residence: 1504 Saltcedar Court, Springfield, Illinois 62712

Annual Compensation: $179,916

Per diem: Not Applicable

Nominee's Senator: Senator Steve McClure

Most Recent Holder of Office: Jennifer Ricker

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020366

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Director

Agency or Other Body: Illinois Department of Commerce and Economic Opportunity

Start Date: March 7, 2022

End Date: January 16, 2023

Name: Sylvia Garcia

Residence: 4936 North Winchester Avenue #2, Chicago, Illinois 60640

Annual Compensation: $170,468

Per diem: Not Applicable

Nominee's Senator: Senator Mike Simmons

Most Recent Holder of Office: Sylvia Garcia

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Executive Appointments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2991, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3465, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3659, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4228, sponsored by Senator Gillespie, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4390, sponsored by Senator Hastings, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4410, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4580, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4595, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4750, sponsored by Senator Bush, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5016, sponsored by Senator Simmons, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5185, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5186, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5201, sponsored by Senator Simmons, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5225, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5488, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5500, sponsored by Senator Rose, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5506, sponsored by Senator Rezin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5585, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its March 9, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Floor Amendment No. 2 to Senate Bill 3158; Committee Amendment No. 1 to Senate Bill 3644; Floor Amendment No. 2 to Senate Bill 3775**.

Revenue: **Floor Amendment No. 2 to Senate Bill 1145**.

PRESENTATION OF RESOLUTION

Senator Lightford offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 900

WHEREAS, Public Act 100-0465, the Evidence-Based Funding for Student Success Act, created the Professional Review Panel (PRP), a body that is responsible for continually evaluating the State's K-12 public school funding formula, the Evidence-Based Funding (EBF) Formula, to ensure that it is capturing the costs of providing a high-quality education to all students and to ensure that the formula is working as intended to make progress toward adequately and equitably funding all schools; and

WHEREAS, The Professional Review Panel is tasked with studying and reviewing topics related to the implementation and effect of Evidence-Based Funding, as assigned by a joint resolution or Public Act of the General Assembly or a motion passed by the State Board of Education; and

WHEREAS, The importance of continuous improvement within education cannot be overstated, and a commitment to continually working to increasing equity, even within an already equitable funding system, is critical to close opportunity and outcome gaps for Illinois students; and

WHEREAS, Public Act 101-0654 charged the Professional Review Panel with conducting research and presenting findings to ensure that (i) the Adequacy Target calculation under subsection (b) accurately reflects the needs of students living in poverty or attending schools located in areas of high poverty, (ii) racial equity within the Evidence-Based Funding formula is explicitly explored and advanced, and (iii) the funding goals of the formula distribution system established under this Section are sufficient to provide adequate funding for every student and to fully fund every school in this State; and

WHEREAS, To consider these issues, the PRP formed an ad-hoc committee that was comprised of diverse stakeholders, including educators, school and district leaders, education advocates, and members of the State Board of Education, and that met biweekly from April through December of 2021; and

WHEREAS, The PRP Ad-Hoc Committee dedicated considerable time, capacity, and expertise to conducting a robust review of evidence and facilitating rich discussion of the issues under its charge; and

WHEREAS, The findings included in the committee's final report include potential opportunities for addressing trauma, accounting for the needs of students living in concentrated poverty, and increasing racial equity within the education funding formula, all of which require further detailed analysis and financial modeling and merit additional future discussion; and

WHEREAS, The findings of the report call for additional study and presentation of findings related to the appropriate levels for re-enrolling and graduating high-risk high school students who have been previously out of school by December 31, 2022; and

WHEREAS, The findings of the report suggest that the task of exploring the potential to increase efficiency and to find cost savings within the school system to expedite the journey to a fully funded system would require further review by a committee of diverse stakeholders convened by the Illinois State Board of Education; and

WHEREAS, The availability of publicly accessible, high-quality information about how districts allocate and utilize funding received through the EBF formula is critical for understanding how districts are working to support historically underserved student groups and to increase equity within their districts, including closing resource gaps by student race/ethnicity, socioeconomic status, and English-learner status; and

WHEREAS, The Illinois State Board of Education is in the process of revising EBF spending plans that districts are required to submit to the agency on an annual basis and increasing the transparency of this information by transitioning to the inclusion of these plans in the public budget process by FY23; and

WHEREAS, The Professional Review Panel has diligently and with dedication executed their task and delivered a thorough and thoughtful report and findings; and

WHEREAS, ISBE has made a concerted effort to increase the value and public transparency of the information reported through districts' EBF spending plans; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that in keeping with the spirit of the charge outlined in Public Act 101-0654, we direct the Professional Review Panel and Illinois State Board of Education to conduct the rigorous analysis and financial modeling required to evaluate the potential value, impact, and financial implications of implementing the findings in the PRP Ad-Hoc Committee's report related to adjusting the Evidence-Based Funding formula's calculations in order to more accurately reflect the costs of supporting students exposed to trauma and living in concentrated poverty (Charge B) as well as to close racial equity gaps in opportunity and outcomes (Charges C and H); this includes modeling options, including but not limited to those presented in the report for differentiating existing cost factors within and adding new cost factors to the formula's calculation of districts' Adequacy Targets in order to understand the implications for equity as well as the anticipated fiscal impact of said adjustments; this analysis is to be completed and shared by November 30, 2022; and be it further

RESOLVED, That we call on the Professional Review Panel to complete the study and development of findings related to re-enrolling students who have dropped out of school by the extended deadline included within the PRP Ad-Hoc Committee report of December 31, 2022; and be it further

RESOLVED, That we urge the Illinois State Board of Education to complete their revision of the district spending plans template and requirements and annually make all districts' spending plans publicly available on the Illinois State Board of Education's website starting with Fiscal Year 2023 by January 2023; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Superintendent of Education, the Chair of the Illinois State Board of Education, and members of the Professional Review Panel.

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 1097** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1097

AMENDMENT NO. 1 . Amend Senate Bill 1097 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Sections 6.5, 9, and 12 as follows:

(765 ILCS 745/6.5)

Sec. 6.5. Disclosure. A park owner must disclose in writing the following with every lease or sale and upon renewal of a lease of a mobile home or lot in a mobile home park or manufactured home community:

(1) the rent charged for the mobile home or lot in the past 5 years;

(2) the park owner's responsibilities with respect to the mobile home or lot;

(3) information regarding any fees imposed in addition to the base rent;

(4) information regarding late payments;

(5) information regarding any privilege tax that is applicable;

(6) information regarding security deposits, including the right to the return of security deposits and interest as provided in Section 18 of this Act;

(7) information on a 3-year rent increase projection which includes the 2 years of the lease and the year immediately following. The basis for such rent increases may be a fixed amount, a "not to exceed" amount, a formula, an applicable index, or a combination of these methodologies as elected by the park owner. If a formula is used, the formula shall include the total fixed amount determined by the formula, and, if applicable, the "not to exceed" amount, stated in a clear dollar amount. These increases may be in addition to all the non-controllable expenses including, but not limited to, property taxes, government assessments, utilities, and insurance;

(8) the name, address, and telephone number of the legal entity that owns the manufactured home community or mobile home park~~,~~ and ~~either: (a) the name, address, and telephone number of~~ the property manager or designated agent for the manufactured home community or mobile home park, if applicable; ~~or (b) the address and telephone number of the legal entity that owns the manufactured home community or mobile home park, if the manufactured home community or mobile home park does not have a property manager or designated agent; and~~

(9) information contained in any inspection notice required to be posted under subsection (b) of Section 6.7 of this Act; and

(10) information regarding the right to a trial by jury.

The park owner must update the written disclosure at least once per year. The park owner must advise tenants who are renewing a lease of any changes in the disclosure from any prior disclosure. Within 20 days after the closing of a purchase and sale of a manufactured home community or mobile home park that results in a change in the owner, the purchaser or the representative of the purchaser must provide written notice to each homeowner of the new owner and either: (i) the name, address, and telephone number of the property manager or designated agent for the manufactured home community or mobile home park; or (ii) the address and telephone number of the legal entity that owns the manufactured home community or mobile home park if the manufactured home community or mobile home park does not have a property manager or designated agent. The written notice may be provided by hand delivery to the resident's home, by United States mail or a recognized courier service, by posting in the office of the custodian of the park or in the clubhouse or other area of the park where park residents gather, or by posting on a community bulletin board.

The changes to this Section by this amendatory Act of the 98th General Assembly apply to disclosures made and changes of ownership that take place on or after January 1, 2015.

(Source: P.A. 98-1062, eff. 1-1-15.)

(765 ILCS 745/9) (from Ch. 80, par. 209)

Sec. 9. The Terms of Fees and Rents. The terms for payment of rent shall be clearly set forth and all charges for services, ground or lot rent, unit rent, or any other charges shall be specifically itemized in the lease and in all billings of the tenant by the park owner.

The owner shall not change the rental terms nor increase the cost of fees, except as provided herein.

The park owner shall not charge a transfer or selling fee as a condition of sale of a mobile home that is going to remain within the park unless a service is rendered.

Rents charged to a tenant by a park owner may be increased upon the renewal of a lease. Notification of an increase shall be delivered 90 days prior to expiration of the lease.

The park owner shall not charge or impose upon a tenant any fee or increase in rent which reflects the cost to the park owner of any fine, forfeiture, penalty, money damages, or fee assessed or awarded by a court of law against the park owner, including any attorney's fees and costs incurred by the park owner in connection therewith unless the fine, forfeiture, penalty, money damages, or fee was incurred as a result of the tenant's actions.

The park owner shall not charge or impose upon a tenant a pet fee unless a service related to the pet is offered by the park owner and accepted by the tenant.

(Source: P.A. 95-383, eff. 1-1-08.)

(765 ILCS 745/12) (from Ch. 80, par. 212)

Sec. 12. Lease prohibitions. No lease hereafter executed or currently existing between a park owner and tenant in a mobile home park or manufactured home community in this State shall contain any provision:

(a) Permitting the park owner to charge a penalty fee for late payment of rent without allowing a tenant a minimum of 5 days beyond the date the rent is due in which to remit such payment;

(b) Permitting the park owner to charge an amount in excess of one month's rent as a security deposit;

(c) Requiring the tenant to pay any fees not specified in the lease;

(d) Permitting the park owner to transfer, or move, a mobile home to a different lot, including a different lot in the same mobile home park or manufactured home community, during the term of the lease;

(e) Waiving the homeowner's right to a trial by jury. The right to a trial by jury shall be disclosed in a lease.

If one provision of a lease is invalid, that does not affect the validity of the remaining provisions of the lease.

(Source: P.A. 98-1062, eff. 1-1-15.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1097

AMENDMENT NO. 2 . Amend Senate Bill 1097, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Sections 6.5 and 9 as follows:

(765 ILCS 745/6.5)

Sec. 6.5. Disclosure. A park owner must disclose in writing the following with every lease or sale and upon renewal of a lease of a mobile home or lot in a mobile home park or manufactured home community:

(1) the rent charged for the mobile home or lot in the past 5 years;

(2) the park owner's responsibilities with respect to the mobile home or lot;

(3) information regarding any fees imposed in addition to the base rent;

(4) information regarding late payments;

(5) information regarding any privilege tax that is applicable;

(6) information regarding security deposits, including the right to the return of security deposits and interest as provided in Section 18 of this Act;

(7) information on a 3-year rent increase projection which includes the 2 years of the lease and the year immediately following. The basis for such rent increases may be a fixed amount, a "not to exceed" amount, a formula, an applicable index, or a combination of these methodologies as elected by the park owner. If a formula is used, the formula shall include the total fixed amount determined by the formula, and, if applicable, the "not to exceed" amount. These increases may be in addition to all the non-controllable expenses including, but not limited to, property taxes, government assessments, utilities, and insurance;

(8) the contact information ~~name~~ of the legal entity that owns the manufactured home community or mobile home park or, if applicable, the contact information ~~, and either: (a) the name, address, and telephone number~~ of the property manager or designated agent for the manufactured home community or mobile home park; ~~or (b) the address and telephone number of the legal entity that owns the manufactured home community or mobile home park, if the manufactured home community or mobile home park does not have a property manager or designated agent; and~~

(9) information contained in any inspection notice required to be posted under subsection (b) of Section 6.7 of this Act; and

(10) information notifying a tenant that the tenant's right to trial by jury shall not be waived.

The park owner must update the written disclosure at least once per year. The park owner must advise tenants who are renewing a lease of any changes in the disclosure from any prior disclosure. Within 20 days after the closing of a purchase and sale of a manufactured home community or mobile home park that results in a change in the owner, the purchaser or the representative of the purchaser must provide written notice to each homeowner of the new owner and either: (i) the name, address, and telephone number of the property manager or designated agent for the manufactured home community or mobile home park; or (ii)

the address and telephone number of the legal entity that owns the manufactured home community or mobile home park if the manufactured home community or mobile home park does not have a property manager or designated agent. The written notice may be provided by hand delivery to the resident's home, by United States mail or a recognized courier service, by posting in the office of the custodian of the park or in the clubhouse or other area of the park where park residents gather, or by posting on a community bulletin board.

The changes to this Section by this amendatory Act of the 98th General Assembly apply to disclosures made and changes of ownership that take place on or after January 1, 2015.

The changes to this Section made by this amendatory Act of the 102nd General Assembly apply to disclosures made and changes of ownership that take place on or after January 1, 2023.

(Source: P.A. 98-1062, eff. 1-1-15.)

(765 ILCS 745/9) (from Ch. 80, par. 209)

Sec. 9. The Terms of Fees and Rents. The terms for payment of rent shall be clearly set forth and all charges for services, ground or lot rent, unit rent, or any other charges shall be specifically itemized in the lease and in all billings of the tenant by the park owner.

The owner shall not change the rental terms nor increase the cost of fees, except as provided herein.

The park owner shall not charge a transfer or selling fee as a condition of sale of a mobile home that is going to remain within the park unless a service is rendered.

Rents charged to a tenant by a park owner may be increased upon the renewal of a lease. Notification of an increase shall be delivered 90 days prior to expiration of the lease.

The park owner shall not charge or impose upon a tenant any fee or increase in rent which reflects the cost to the park owner of any fine, forfeiture, penalty, money damages, or fee assessed or awarded by a court of law against the park owner, including any attorney's fees and costs incurred by the park owner in connection therewith unless the fine, forfeiture, penalty, money damages, or fee was incurred as a result of the tenant's actions.

The park owner shall not charge or impose a pet fee upon a resident that owns the home, unless a service related to the pet is offered by the park owner and accepted by the resident. A tenant of a home owned by the park owner may be subject to the imposition of a pet fee as agreed to in the lease.

(Source: P.A. 95-383, eff. 1-1-08.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 1097** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	Loughran Cappel	Stoller
Aquino	Feigenholtz	McClure	Syverson
Bailey	Fine	McConchie	Tracy
Belt	Fowler	Morrison	Turner, D.
Bennett	Gillespie	Muñoz	Turner, S.
Bryant	Glowiak Hilton	Murphy	Van Pelt
Bush	Harris	Pacione-Zayas	Villa
Castro	Holmes	Peters	Villanueva
Collins	Hunter	Rezin	Villivalam
Connor	Johnson	Rose	Wilcox

Crowe	Joyce	Simmons	Mr. President
Cunningham	Koehler	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 1233** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1233

AMENDMENT NO. 1 . Amend Senate Bill 1233 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Blue-Ribbon Commission on Transportation Infrastructure Funding and Policy Act.

Section 5. Findings. The General Assembly finds the following:

(1) Illinois' transportation system is crucial to every resident, employee, and business. It serves as the backbone of the economy and is a critical component of Illinois' economic competitiveness.

(2) The State must continue to pursue an equitable transportation network in which marginalized communities have improved access to all modes of transportation, thereby enhancing access to jobs, housing, and other services.

(3) Illinois is home to an expansive transportation network, currently ranking third in the nation for the number of roadway miles and bridges, totaling 127,044 and 26,848, respectively. The State also has 6,883 miles of freight railway, 1,118 inland waterway miles, 58 transit systems with over 450 million annual transit trips, and 17 major airports.

(4) The historic Rebuild Illinois capital plan adopted in 2019 will end in June 2025.

(5) The motor fuel tax and vehicle registration fees remain the most significant form of transportation funding for Illinois.

(6) Illinois will continue to contend with transportation funding shortfalls due to increasing vehicle fuel efficiency and the rising popularity of electric vehicles.

(7) New and innovative funding and policy options are needed to adequately maintain Illinois' transportation systems and support future growth.

(8) The General Assembly should study these issues to determine funding mechanisms for transportation projects and operations in Illinois, policy changes to support the efficient governance and delivery of transportation projects, and the workforce needed to support the future transportation system.

Section 10. Commission created.

(a) The Blue-Ribbon Commission on Transportation Infrastructure Funding and Policy is created within the Department of Transportation consisting of members appointed as follows:

(1) Four members of the House of Representatives, with 2 to be appointed by the Speaker of the House of Representatives and 2 to be appointed by the Minority Leader of the House of Representatives.

(2) Four members of the Senate, with 2 to be appointed by the President of the Senate and 2 to be appointed by the Minority Leader of the Senate.

(3) Eight members appointed by the Governor with the advice and consent of the Senate.

(4) The chair of the Commission to be appointed by the Governor from among his 8 appointments.

(b) Members shall have expertise, knowledge, or experience in transportation infrastructure development, construction, workforce, or policy. Members shall also represent a diverse set of sectors, including the labor, engineering, construction, transit, active transportation, rail, air, or other sectors, and shall include participants of the Disadvantaged Business Enterprise Program. No more than 2 appointees shall be members of the same sector.

(c) Members shall represent geographically diverse regions of the State.

(d) Members shall be appointed by May 31, 2022.

Section 15. Meetings. The Commission shall hold its first meeting within 2 months from the effective date of this Act. The Commission may conduct meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish its objectives and purposes.

Section 20. Duties. The Commission shall evaluate Illinois' existing transportation infrastructure funding and policy processes and develop alternative solutions. The Commission shall:

(1) Evaluate current transportation funding in Illinois, taking into account the viability of existing revenue sources and funding distributions.

(2) Consider new and innovative funding options.

(3) Evaluate the existing governance of Illinois' transportation system, including roles and responsibilities for the State and county, township, and municipal governments.

(4) Evaluate current and future workforce needs to design, construct, and manage the state's transportation system within the Illinois Department of Transportation and within the State as a whole.

(5) Evaluate current and future data needs of the Illinois Department of Transportation.

(6) Consider and recommend steps to expedite project approval and completion.

(7) Consider future trends that will impact the transportation system, including safety needs, racial equity, electric vehicles, and climate change.

(8) Consider ways to improve transportation investment impacts on goals such as improving racial equity, addressing climate change, and increasing economic growth.

(9) Consider improvements to the performance-based programming system.

(10) Consider multimodal system needs, including public transportation, bicycle facilities, railways, waterways, and airports.

(11) Consider alternative solutions employed by other states.

Section 25. Report. The Commission shall direct the Illinois Department of Transportation to enter into a contract with a third party to assist the Commission in producing a document that evaluates the topics under this Act and outline formal recommendations that can be acted upon by the General Assembly. The Commission shall report a summary of its activities and produce a final report of the data, findings, and recommendations to the General Assembly by January 31, 2023. The final report shall include specific, actionable recommendations for legislation and organizational adjustments. The final report may include recommendations for pilot programs to test alternatives. The final report and recommendations shall also include any minority and individual views of task force members.

Section 30. Repeal. This Commission is dissolved, and this Act is repealed on February 1, 2023.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 1233** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McConchie	Tracy
Aquino	Fine	Morrison	Turner, D.
Bailey	Fowler	Muñoz	Turner, S.
Belt	Gillespie	Murphy	Van Pelt
Bennett	Glowiak Hilton	Pacione-Zayas	Villa
Bryant	Harris	Peters	Villanueva
Bush	Holmes	Plummer	Villivalam
Castro	Hunter	Rezin	Wilcox
Collins	Johnson	Rose	Mr. President
Connor	Joyce	Simmons	
Crowe	Koehler	Stadelman	
Cunningham	Loughran Cappel	Stoller	
DeWitte	McClure	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Rezin, **Senate Bill No. 1435** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1435

AMENDMENT NO. 1 . Amend Senate Bill 1435 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 4.5 as follows:

(210 ILCS 85/4.5)

Sec. 4.5. Hospital with multiple locations; single license.

(a) A hospital located in a county with fewer than 3,000,000 inhabitants may apply to the Department for approval to conduct its operations from more than one location within the county under a single license. At the time of the application to operate under a single license, a hospital located in a county with fewer than 125,000 inhabitants may apply to the Department for approval to conduct its operations from more than one location within contiguous counties in which both facilities are located, provided that the second county has fewer than 35,000 inhabitants.

(b) The facilities or buildings at those locations must be owned or operated together by a single corporation or other legal entity serving as the licensee and must share:

(1) a single board of directors with responsibility for governance, including financial oversight and the authority to designate or remove the chief executive officer;

(2) a single medical staff accountable to the board of directors and governed by a single set of medical staff bylaws, rules, and regulations with responsibility for the quality of the medical services; and

(3) a single chief executive officer, accountable to the board of directors, with management responsibility.

(c) Each hospital building or facility that is located on a site geographically separate from the campus or premises of another hospital building or facility operated by the licensee must, at a minimum, individually comply with the Department's hospital licensing requirements for emergency services.

(d) The hospital shall submit to the Department a comprehensive plan in relation to the waiver or waivers requested describing the services and operations of each facility or building and how common services or operations will be coordinated between the various locations. With the exception of items required by subsection (c), the Department is authorized to waive compliance with the hospital licensing requirements for specific buildings or facilities, provided that the hospital has documented which other building or facility under its single license provides that service or operation, and that doing so would not endanger the public's health, safety, or welfare. Nothing in this Section relieves a hospital from the requirements of the Health Facilities Planning Act.

(Source: P.A. 89-171, eff. 7-19-95.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rezin, **Senate Bill No. 1435** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Stoller
Bailey	Fine	McConchie	Syverson
Belt	Fowler	Morrison	Tracy
Bennett	Gillespie	Muñoz	Turner, D.
Bryant	Glowiak Hilton	Murphy	Turner, S.
Bush	Harris	Pacione-Zayas	Van Pelt
Castro	Holmes	Peters	Villa
Collins	Hunter	Plummer	Villanueva
Connor	Johnson	Rezin	Villivalam
Crowe	Joyce	Rose	Wilcox
Cunningham	Koehler	Simmons	Mr. President
DeWitte	Loughran Cappel	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 3629** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was withdrawn by the sponsor.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3629

AMENDMENT NO. 3 . Amend Senate Bill 3629 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Tow Notice Act.

Section 5. Private parking agreements; removal of vehicles at property owner's request.

(a) As used in this Section, "personal notice" means the owner or other person in lawful possession or control of real property, or his or her authorized agent, making all reasonable efforts to provide a vehicle owner or other legally authorized person in control of the vehicle notice prior to removal of the vehicle. "Personal notice" includes, at a minimum, the following:

(1) a telephone call or text message or email sent to the vehicle owner or other legally authorized person in control of the vehicle at the vehicle owner's most recently available contact information or contact information included in the written agreement; and

(2) a response from the vehicle owner or other legally authorized person in control of the vehicle indicating receipt of the notice or other proof of receipt indicating that the vehicle owner or other legally authorized person in control of the vehicle received the notice.

(b) If a vehicle owner or other legally authorized person in control of the vehicle has a written agreement with a property owner or other person in lawful possession or control of the property, or his or her authorized agent, permitting the vehicle to be parked on the property, the property owner or other person in lawful possession or control of the property, or his or her authorized agent, prior to requesting that a commercial vehicle relocator remove the vehicle from the property, shall give personal notice to the owner or other legally authorized person in control of the vehicle that the vehicle is subject to being towed. Personal notice must be provided at least 3 hours prior to the removal of the vehicle. This Section applies to a relocation performed pursuant to a specific request to remove the vehicle from a property owner or other person in lawful possession or control of the property, or his or her authorized agent.

(c) A vehicle owner or other legally authorized person in control of the vehicle who is aggrieved by a violation of this Section may commence a civil action in the appropriate circuit court not later than 2 years after the date of the vehicle relocation and may recover from the property owner or other person in possession or control of the property, or his or her authorized agent, damages resulting from the violation, including, but not limited to: towing charges and storage charges accrued in connection with the relocated vehicle; loss of the vehicle; and costs and attorney's fees.

(d) This Act applies only to vehicles that are operable.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3629

AMENDMENT NO. 4 . Amend Senate Bill 3629, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 3, line 9, by replacing "operable." with "operable.

(e) This Act does not create liability for an owner or other person in lawful possession or control of real property, or his or her authorized agent, who moves a vehicle covered under this Act as required to respond to an emergency or for maintenance of the property, if the vehicle is returned to the property upon resolution of the emergency or completion of the maintenance project at the expense of the owner or other person in lawful possession or control of real property, or his or her authorized agent.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 3629** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 37; NAYS 12.

The following voted in the affirmative:

Aquino	Feigenholtz	Koehler	Stadelman
Belt	Fine	Loughran Cappel	Turner, D.
Bennett	Gillespie	McConchie	Van Pelt
Bush	Glowiak Hilton	Morrison	Villa
Castro	Harris	Muñoz	Villanueva
Collins	Holmes	Murphy	Villivalam
Connor	Hunter	Pacione-Zayas	Mr. President
Crowe	Johnson	Peters	
Cunningham	Jones, E.	Rose	
DeWitte	Joyce	Simmons	

The following voted in the negative:

Anderson	McClure	Syverson
Bailey	Plummer	Tracy
Bryant	Rezin	Turner, S.
Fowler	Stoller	Wilcox

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Rezin, **Senate Bill No. 3663** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3663

AMENDMENT NO. 3 . Amend Senate Bill 3663, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 21B-45 as follows:

(105 ILCS 5/21B-45)

Sec. 21B-45. Professional Educator License renewal.

(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Notwithstanding any other provisions of this Section, if a license holder's electronic mail address is available, the State Board of Education shall send him or her notification

electronically that his or her license will lapse if not renewed, to be sent no more than 6 months prior to the license lapsing. Lapsed licenses may be immediately reinstated upon (i) payment by the applicant of a $500 penalty to the State Board of Education or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration or on January 1 of the fiscal year following initial issuance of the license. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(c-5) All licenses issued by the State Board of Education under this Article that expire on June 30, 2020 and have not been renewed by the end of the 2020 renewal period shall be extended for one year and shall expire on June 30, 2021.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engage participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement is not required to complete Illinois Administrators' Academy courses, as described in Article 2 of this Code. Such licensees must complete one Illinois Administrators' Academy course within one year after returning to a position that requires the administrative endorsement.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State of Illinois retirement system shall notify the State Board of Education using ELIS, and the license shall be maintained in retired status. For any renewal cycle in which a licensee retires during the renewal cycle, the licensee must complete professional development activities on a prorated basis depending on the number of years during the renewal cycle the educator held an active license. If a licensee retires during a renewal cycle, the licensee must notify the State Board of Education using ELIS that the licensee wishes to maintain the license in retired status and must show proof of completion of professional development activities on a prorated basis for all years of that renewal cycle for which the license was active. An individual with a license in retired status shall not be required to complete professional development activities or pay registration fees until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the licensee shall immediately pay a registration fee and complete renewal requirements for that year. A license in retired status cannot lapse. Beginning on January 6, 2017 (the effective date of Public Act 99-920) through December 31, 2017, any licensee who has retired and whose license has lapsed for failure to renew as provided in this Section may reinstate that license and maintain it in retired status upon providing proof to the State Board of Education using ELIS that the licensee is retired and is not working in a position that requires a Professional Educator License.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. Professional development hours used to fulfill the minimum required hours for a renewal cycle may be used for only one renewal cycle. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610).

(11) Notwithstanding any other provision of this subsection (e), if a licensee earns more than the required number of professional development hours during a renewal cycle, then the licensee may carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle. Any hours carried over in this manner must be applied to the next renewal cycle. Illinois Administrators' Academy courses or hours earned in those courses may not be carried over.

(e-5) The number of professional development hours required under subsection (e) is reduced by 20% for any renewal cycle that includes the 2021-2022 school year.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(f-5) The State Board of Education shall conduct random audits of licensees to verify a licensee's fulfillment of the professional development hours required under this Section. Upon completion of a random audit, if it is determined by the State Board of Education that the licensee did not complete the required number of professional development hours or did not provide sufficient proof of completion, the licensee

shall be notified that his or her license has lapsed. A license that has lapsed under this subsection may be reinstated as provided in subsection (b).

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.

(2) Regional offices of education and intermediate service centers.

(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:

(A) school administrators;

(B) principals;

(C) school business officials;

(D) teachers, including special education teachers;

(E) school boards;

(F) school districts;

(G) parents; and

(H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147), has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;

(2) improve the learning of students;

(3) organize adults into learning communities whose goals are aligned with those of the school and district;

(4) deepen educator's content knowledge;

(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;

(6) prepare educators to appropriately use various types of classroom assessments;

(7) use learning strategies appropriate to the intended goals;

(8) provide educators with the knowledge and skills to collaborate;

(9) prepare educators to apply research to decision making;

(10) provide educators with training on inclusive practices in the classroom that examines instructional and behavioral strategies that improve academic and social-emotional outcomes for all students, with or without disabilities, in a general education setting; or

(11) beginning on July 1, 2022, provide educators with training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that address the well-being of students and improve the academic and social-emotional outcomes of students.

(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;

(2) meet the professional development criteria for Illinois licensure renewal;

(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;

(4) maintain original documentation for completion of activities;

(5) provide license holders with evidence of completion of activities;

(6) request an Illinois Educator Identification Number (IEIN) for each educator during each professional development activity; and

(7) beginning on July 1, 2019, register annually with the State Board of Education prior to offering any professional development opportunities in the current fiscal year.

(j) The State Board of Education shall conduct annual audits of a subset of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall ensure that each approved provider, except for a school district, is audited at least once every 5 years. The State Board of Education may conduct more frequent audits of providers if evidence suggests the requirements of this Section or administrative rules are not being met.

(1) (Blank).

(2) Approved providers shall comply with the requirements in subsections (h) and (i) of this Section by annually submitting data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

(A) educator and student growth in regards to content knowledge or skills, or both;

(B) educator and student social and emotional growth; or

(C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review the annual data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation or a national certification board, as approved by the State Board of Education, related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 101-85, eff. 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-676, eff. 12-3-21.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rezin, **Senate Bill No. 3663** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Syverson
Aquino	Fine	McConchie	Tracy
Bailey	Fowler	Morrison	Turner, D.
Belt	Gillespie	Muñoz	Turner, S.
Bennett	Glowiak Hilton	Murphy	Van Pelt
Bryant	Harris	Pacione-Zayas	Villa
Bush	Holmes	Peters	Villanueva
Castro	Hunter	Plummer	Villivalam
Collins	Johnson	Rezin	Wilcox
Connor	Jones, E.	Rose	Mr. President
Crowe	Joyce	Simmons	
Cunningham	Koehler	Stadelman	
DeWitte	Loughran Cappel	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:56 o'clock a.m., Senator Koehler, presiding.

SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 3709** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3709

AMENDMENT NO. 1 . Amend Senate Bill 3709 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-23.5 and 24-11 as follows:

(105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

Sec. 10-23.5. Educational support personnel employees.

(a) To employ such educational support personnel employees as it deems advisable and to define their employment duties; provided that residency within any school district shall not be considered in determining the employment or the compensation of any such employee, or whether to retain, promote, assign or transfer such employee. If an educational support personnel employee is removed or dismissed or the hours he or

she works are reduced as a result of a decision of the school board (i) to decrease the number of educational support personnel employees employed by the board or (ii) to discontinue some particular type of educational support service, written notice shall be mailed to the employee and also given to the employee either by certified mail, return receipt requested, or personal delivery with receipt, at least 30 days before the employee is removed or dismissed or the hours he or she works are reduced, together with a statement of honorable dismissal and the reason therefor if applicable. However, if a reduction in hours is due to an unforeseen reduction in the student population, then the written notice must be mailed and given to the employee at least 5 days before the hours are reduced. The employee with the shorter length of continuing service with the district, within the respective category of position, shall be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and any exclusive bargaining agent and except that this provision shall not impair the operation of any affirmative action program in the district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board. If the board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category or any other category of position, so far as they are qualified to hold such positions. Each board shall, in consultation with any exclusive employee representative or bargaining agent, each year establish a list, categorized by positions, showing the length of continuing service of each full time educational support personnel employee who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list shall be made in accordance with the alternative method. Copies of the list shall be distributed to the exclusive employee representative or bargaining agent on or before February 1 of each year.

If an educational support personnel employee is removed or dismissed as a result of a decision of the board to decrease the number of educational support personnel employed by the board or to discontinue some particular type of educational support service and he or she accepts the tender of a vacancy within one calendar year from the beginning of the following school term, then that employee shall maintain any rights accrued during his or her previous service with the school district.

Where an educational support personnel employee is dismissed by the board as a result of a decrease in the number of employees or the discontinuance of the employee's job, the employee shall be paid all earned compensation on or before the next regular pay date following his or her last day of employment.

The provisions of this amendatory Act of 1986 relating to residency within any school district shall not apply to cities having a population exceeding 500,000 inhabitants.

(b) In the case of a new school district or districts formed in accordance with Article 11E of this Code, a school district or districts that annex all of the territory of one or more entire other school districts in accordance with Article 7 of this Code, ~~or~~ a school district receiving students from a deactivated school facility in accordance with Section 10-22.22b of this Code, or a special education cooperative that dissolves or reorganizes in accordance with Section 10-22.31 of this Code, the employment of educational support personnel in the new, annexing, or receiving school district immediately following the reorganization shall be governed by this subsection (b). Lists of the educational support personnel employed in the individual districts or special education cooperative for the school year immediately prior to the effective date of the new district or districts, annexation, ~~or~~ deactivation, dissolution, or reorganization shall be combined for the districts forming the new district or districts, for the annexed and annexing districts, ~~or~~ for the deactivating and receiving districts, or for the dissolving or reorganizing special education cooperative, as the case may be. The combined list shall be categorized by positions, showing the length of continuing service of each full-time educational support personnel employee who is qualified to hold any such position. If there are more full-time educational support personnel employees on the combined list than there are available positions in the new, annexing, or receiving school district, then the employing school board shall first remove or dismiss those educational support personnel employees with the shorter length of continuing service within the respective category of position, following the procedures outlined in subsection (a) of this Section. In the case of a special education cooperative that dissolves or reorganizes, the districts that are parties to the joint agreement shall follow the procedures outlined in subsection (a) of this Section. The employment and position of each educational support personnel employee on the combined list not so removed or dismissed shall be transferred to the new, annexing, or receiving school board, and the new, annexing, or receiving school board is subject to this Code with respect to any educational support personnel employee so transferred as if the educational support personnel employee had been the new, annexing, or

receiving board's employee during the time the educational support personnel employee was actually employed by the school board of the district from which the employment and position were transferred.

The changes made by Public Act 95-148 shall not apply to the formation of a new district or districts in accordance with Article 11E of this Code, the annexation of one or more entire districts in accordance with Article 7 of this Code, or the deactivation of a school facility in accordance with Section 10-22.22b of this Code effective on or before July 1, 2007.

(Source: P.A. 101-46, eff. 7-12-19.)

(105 ILCS 5/24-11) (from Ch. 122, par. 24-11)

Sec. 24-11. Boards of Education - Boards of School Inspectors - Contractual continued service.

(a) As used in this and the succeeding Sections of this Article:

"Teacher" means any or all school district employees regularly required to be licensed under laws relating to the licensure of teachers.

"Board" means board of directors, board of education, or board of school inspectors, as the case may be.

"School term" means that portion of the school year, July 1 to the following June 30, when school is in actual session.

"Program" means a program of a special education joint agreement.

"Program of a special education joint agreement" means instructional, consultative, supervisory, administrative, diagnostic, and related services that are managed by a special educational joint agreement designed to service 2 or more school districts that are members of the joint agreement.

"PERA implementation date" means the implementation date of an evaluation system for teachers as specified by Section 24A-2.5 of this Code for all schools within a school district or all programs of a special education joint agreement.

(b) This Section and Sections 24-12 through 24-16 of this Article apply only to school districts having less than 500,000 inhabitants.

(c) Any teacher who is first employed as a full-time teacher in a school district or program prior to the PERA implementation date and who is employed in that district or program for a probationary period of 4 consecutive school terms shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board at least 45 days before the end of any school term within such period.

(d) For any teacher who is first employed as a full-time teacher in a school district or program on or after the PERA implementation date, the probationary period shall be one of the following periods, based upon the teacher's school terms of service and performance, before the teacher shall enter upon contractual continued service in the district or in all of the programs that the teacher is legally qualified to hold, unless the teacher is given written notice of dismissal by certified mail, return receipt requested, by the employing board at least 45 days before the end of any school term within such period:

(1) 4 consecutive school terms of service in which the teacher receives overall annual evaluation ratings of at least "Proficient" in the last school term and at least "Proficient" in either the second or third school term;

(2) 3 consecutive school terms of service in which the teacher receives 3 overall annual evaluations of "Excellent"; or

(3) 2 consecutive school terms of service in which the teacher receives 2 overall annual evaluations of "Excellent" service, but only if the teacher (i) previously attained contractual continued service in a different school district or program in this State, (ii) voluntarily departed or was honorably dismissed from that school district or program in the school term immediately prior to the teacher's first school term of service applicable to the attainment of contractual continued service under this subdivision (3), and (iii) received, in his or her 2 most recent overall annual or biennial evaluations from the prior school district or program, ratings of at least "Proficient", with both such ratings occurring after the school district's or program's PERA implementation date. For a teacher to attain contractual continued service under this subdivision (3), the teacher shall provide official copies of his or her 2 most recent overall annual or biennial evaluations from the prior school district or program to the new school district or program within 60 days from the teacher's first day of service with the new school district or program. The prior school district or program must provide the teacher with official copies of his or her 2 most recent overall annual or biennial evaluations within 14 days after the teacher's request. If a teacher has requested such official copies prior to 45 days after the

teacher's first day of service with the new school district or program and the teacher's prior school district or program fails to provide the teacher with the official copies required under this subdivision (3), then the time period for the teacher to submit the official copies to his or her new school district or program must be extended until 14 days after receipt of such copies from the prior school district or program. If the prior school district or program fails to provide the teacher with the official copies required under this subdivision (3) within 90 days from the teacher's first day of service with the new school district or program, then the new school district or program shall rely upon the teacher's own copies of his or her evaluations for purposes of this subdivision (3).

If the teacher does not receive overall annual evaluations of "Excellent" in the school terms necessary for eligibility to achieve accelerated contractual continued service in subdivisions (2) and (3) of this subsection (d), the teacher shall be eligible for contractual continued service pursuant to subdivision (1) of this subsection (d). If, at the conclusion of 4 consecutive school terms of service that count toward attainment of contractual continued service, the teacher's performance does not qualify the teacher for contractual continued service under subdivision (1) of this subsection (d), then the teacher shall not enter upon contractual continued service and shall be dismissed. If a performance evaluation is not conducted for any school term when such evaluation is required to be conducted under Section 24A-5 of this Code, then the teacher's performance evaluation rating for such school term for purposes of determining the attainment of contractual continued service shall be deemed "Proficient", except that, during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, this default to "Proficient" does not apply to any teacher who has entered into contractual continued service and who was deemed "Excellent" on his or her most recent evaluation. During any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and unless the school board and any exclusive bargaining representative have completed the performance rating for teachers or mutually agreed to an alternate performance rating, any teacher who has entered into contractual continued service, whose most recent evaluation was deemed "Excellent", and whose performance evaluation is not conducted when the evaluation is required to be conducted shall receive a teacher's performance rating deemed "Excellent". A school board and any exclusive bargaining representative may mutually agree to an alternate performance rating for teachers not in contractual continued service during any time in which the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, as long as the agreement is in writing.

(e) For the purposes of determining contractual continued service, a school term shall be counted only toward attainment of contractual continued service if the teacher actually teaches or is otherwise present and participating in the district's or program's educational program for 120 days or more, provided that the days of leave under the federal Family Medical Leave Act that the teacher is required to take until the end of the school term shall be considered days of teaching or participation in the district's or program's educational program. A school term that is not counted toward attainment of contractual continued service shall not be considered a break in service for purposes of determining whether a teacher has been employed for 4 consecutive school terms, provided that the teacher actually teaches or is otherwise present and participating in the district's or program's educational program in the following school term.

(f) If the employing board determines to dismiss the teacher in the last year of the probationary period as provided in subsection (c) of this Section or subdivision (1) or (2) of subsection (d) of this Section, but not subdivision (3) of subsection (d) of this Section, the written notice of dismissal provided by the employing board must contain specific reasons for dismissal. Any full-time teacher who does not receive written notice from the employing board at least 45 days before the end of any school term as provided in this Section and whose performance does not require dismissal after the fourth probationary year pursuant to subsection (d) of this Section shall be re-employed for the following school term.

(g) Contractual continued service shall continue in effect the terms and provisions of the contract with the teacher during the last school term of the probationary period, subject to this Act and the lawful regulations of the employing board. This Section and succeeding Sections do not modify any existing power of the board except with respect to the procedure of the discharge of a teacher and reductions in salary as hereinafter provided. Contractual continued service status shall not restrict the power of the board to transfer a teacher to a position which the teacher is qualified to fill or to make such salary adjustments as it deems desirable, but unless reductions in salary are uniform or based upon some reasonable classification, any teacher whose salary is reduced shall be entitled to a notice and a hearing as hereinafter provided in the case of certain dismissals or removals.

(h) If, by reason of any change in the boundaries of school districts, by reason of a special education cooperative reorganization in accordance with Section 10-22.31 of this Code, or by reason of the creation of a new school district, the position held by any teacher having a contractual continued service status is transferred from one board to the control of a new or different board, then the contractual continued service status of the teacher is not thereby lost, and such new or different board is subject to this Code with respect to the teacher in the same manner as if the teacher were its employee and had been its employee during the time the teacher was actually employed by the board from whose control the position was transferred.

(i) The employment of any teacher in a program of a special education joint agreement established under Section 3-15.14, 10-22.31 or 10-22.31a shall be governed by this and succeeding Sections of this Article. For purposes of attaining and maintaining contractual continued service and computing length of continuing service as referred to in this Section and Section 24-12, employment in a special educational joint program shall be deemed a continuation of all previous licensed employment of such teacher for such joint agreement whether the employer of the teacher was the joint agreement, the regional superintendent, or one of the participating districts in the joint agreement.

(j) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided on or before the end of the 2010-2011 school term, the teacher in contractual continued service is eligible for employment in the joint agreement programs for which the teacher is legally qualified in order of greater length of continuing service in the joint agreement, unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement. For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of a reduction in the number of programs or positions in the joint agreement in which the notice of dismissal is provided during the 2011-2012 school term or a subsequent school term, the teacher shall be included on the honorable dismissal lists of all joint agreement programs for positions for which the teacher is qualified and is eligible for employment in such programs in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of the joint agreement.

(k) For any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement, in which the notice to teachers of the dissolution is provided during the 2010-2011 school term, the teacher in contractual continued service who is legally qualified shall be assigned to any comparable position in a member district currently held by a teacher who has not entered upon contractual continued service or held by a teacher who has entered upon contractual continued service with a shorter length of contractual continued service. Any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, in the event of the dissolution of a joint agreement in which the notice to teachers of the dissolution is provided during the 2011-2012 school term or a subsequent school term, the teacher who is qualified shall be included on the order of honorable dismissal lists of each member district and shall be assigned to any comparable position in any such district in accordance with subsections (b) and (c) of Section 24-12 of this Code and the applicable honorable dismissal policies of each member district.

(l) The governing board of the joint agreement, or the administrative district, if so authorized by the articles of agreement of the joint agreement, rather than the board of education of a school district, may carry out employment and termination actions including dismissals under this Section and Section 24-12.

(m) The employment of any teacher in a special education program authorized by Section 14-1.01 through 14-14.01, or a joint educational program established under Section 10-22.31a, shall be under this and the succeeding Sections of this Article, and such employment shall be deemed a continuation of the previous employment of such teacher in any of the participating districts, regardless of the participation of other districts in the program.

(n) Any teacher employed as a full-time teacher in a special education program prior to September 23, 1987 in which 2 or more school districts participate for a probationary period of 2 consecutive years shall enter upon contractual continued service in each of the participating districts, subject to this and the succeeding Sections of this Article, and, notwithstanding Section 24-1.5 of this Code, in the event of the

termination of the program shall be eligible for any vacant position in any of such districts for which such teacher is qualified.
(Source: P.A. 101-643, eff. 6-18-20; 102-552, eff. 1-1-22.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3709

AMENDMENT NO. 2 . Amend Senate Bill 3709, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 13, line 6, after "reorganization", by inserting "or dissolution".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 3709** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McConchie	Tracy
Aquino	Fine	Morrison	Turner, D.
Bailey	Fowler	Muñoz	Turner, S.
Belt	Gillespie	Murphy	Van Pelt
Bennett	Glowiak Hilton	Pacione-Zayas	Villa
Bryant	Harris	Peters	Villanueva
Bush	Holmes	Plummer	Villivalam
Castro	Hunter	Rezin	Wilcox
Collins	Jones, E.	Rose	Mr. President
Connor	Joyce	Simmons	
Crowe	Koehler	Stadelman	
Cunningham	Loughran Cappel	Stoller	
DeWitte	McClure	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:59 o'clock a.m., Senator Holmes, presiding.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet at 1:00 o'clock p.m.:

Executive in Room 212
State Government in Room 409
Licensed Activities in Room 400

The Chair announced the following committee to meet at 2:30 o'clock p.m.:

Revenue in Room 400

At the hour of 12:02 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:27 o'clock p.m., the Senate resumed consideration of business.
Senator Holmes, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Castro, Chair of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1001
Senate Amendment No. 2 to Senate Bill 3158
Senate Amendment No. 4 to Senate Bill 3720
Senate Amendment No. 2 to Senate Bill 3775

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Bennett, Vice-Chair of the Committee on State Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Resolution 710

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Bennett, Vice-Chair of the Committee on State Government, to which was referred **House Bills Numbered 4160, 4333 and 4739**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator E. Jones III, Chair of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 5 to Senate Bill 2535
Senate Amendment No. 1 to Senate Bill 4018
Senate Amendment No. 2 to Senate Bill 4018

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Hunter, Chair of the Committee on Revenue, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1145

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Hunter, Chair of the Committee on Revenue, to which was referred **House Bill No. 4161**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4644, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4998, sponsored by Senator S. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5188, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5190, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5191, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5328, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Aquino, **Senate Bill No. 3775** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Executive.

Senator Aquino offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3775

AMENDMENT NO. 2 . Amend Senate Bill 3775 by replacing everything after the enacting clause with the following:

"Section 5. The Nurse Agency Licensing Act is amended by changing Sections 3, 5, 7, 13, 14, and 14.1 as follows:

(225 ILCS 510/3) (from Ch. 111, par. 953)

Sec. 3. Definitions. As used in this Act:

"Add-on charges" means any amount, excluding the administrative fee, that the nurse agency charges the health care facility in addition to the employee hourly pay rate, including, but not limited to, shift differential, weekend differential, hazard pay, charge nurse add-on, overtime, holiday pay, and travel or mileage pay.

"Administrative fee" means any amount that the nurse agency charges the health care facility in addition to amounts paid to the employee by the nurse agency.

~~(a)~~ "Certified nurse aide" means an individual certified as defined in Section 3-206 of the Nursing Home Care Act, Section 3-206 of the ID/DD Community Care Act, or Section 3-206 of the MC/DD Act, as now or hereafter amended.

"Covenant not to compete" means an agreement between an employer and an employee that restricts the employee from performing:

(1) any work for another employer for a specified period of time;

(2) any work in a specified geographic area; or

(3) work for another employer that is similar to the employee's work for the employer included as a party to the agreement.

~~(b)~~ "Department" means the Department of Labor.

~~(c)~~ "Director" means the Director of Labor.

~~(d)~~ "Health care facility" is defined as in Section 3 of the Illinois Health Facilities Planning Act, as now or hereafter amended. "Health care facility" also includes any facility licensed, certified, or approved by any State agency and covered by the Assisted Living and Shared Housing Act or the Illinois Public Aid Code.

~~(e)~~ "Licensee" means any nursing agency which is properly licensed under this Act.

~~(f)~~ "Nurse" means a registered nurse, ~~or~~ a licensed practical nurse, an advanced practice registered nurse, or any individual licensed under ~~as defined in~~ the Nurse Practice Act.

~~(g)~~ "Nurse agency" means any individual, firm, corporation, partnership or other legal entity that employs, assigns or refers nurses or certified nurse aides to a health care facility for a fee. The term "nurse agency" includes nurses registries. The term "nurse agency" does not include services provided by home health agencies licensed and operated under the Home Health, Home Services, and Home Nursing Agency Licensing Act or a licensed or certified individual who provides his or her own services as a regular employee of a health care facility, nor does it apply to a health care facility's organizing nonsalaried employees to provide services only in that facility.

(Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

(225 ILCS 510/5) (from Ch. 111, par. 955)

Sec. 5. Application for license. An application to operate a nurse agency shall be made to the Department on forms provided by the Department. A separate application shall be submitted for each additional location from which a nurse agency is operated. All applications must be under oath and must be accompanied by an equitable application fee which will be set by the Department by rule. A separate license must be obtained for each location from which a nurse agency is operated unless the nurse agency is owned and managed by the same person or persons. Submission of false or misleading information is a petty offense punishable by a fine of $500. The application shall contain the following information:

(1) name and address of the person, partnership, corporation or other entity that is the applicant;

(2) if the applicant is a corporation or limited liability company, a copy of its articles of incorporation or organization, a copy of its current bylaws, and the names and addresses of its officers and directors and shareholders owning more than 5% of the corporation's stock or membership units;

(3) the name and location of premises from which the applicant will provide services;

(4) the names and addresses of the person or persons under whose management or supervision the nurse agency will be operated;

(5) a statement of financial solvency;

(6) a statement detailing the experience and qualifications of the applicant to operate a nurse agency, however, the failure of a nurse agency to demonstrate previous experience to operate an agency does not in and of itself constitute grounds for the denial of a license;

(7) evidence of compliance or intent to comply with State or federal law relating to employee compensation, including but not limited to, social security taxes, State and federal income taxes, workers' compensation, unemployment taxes, and State and federal overtime compensation laws;

(8) evidence of general and professional liability insurance in the amounts of at least $1,000,000 ~~$500,000~~ per incident and $3,000,000 ~~$1,000,000~~ in aggregate and workers' compensation coverage for all nurses or certified nursing aides employed, assigned, or referred by the nurse agency to a health care facility; ~~and~~

(9) any other relevant information which the Department determines is necessary to properly evaluate the applicant and application as required by the Department by rule; and~~.~~

(10) an application fee of $2,000. Fees collected under this paragraph shall be used by the Department for the enforcement of this Act.

(Source: P.A. 86-817; 86-1043; 86-1472; 87-435.)

(225 ILCS 510/7) (from Ch. 111, par. 957)

Sec. 7. Renewal of license. At least 90 days prior to license expiration, the licensee shall submit an attestation detailing the number of contracted shifts, number of shifts missed, number of shifts fulfilled for the 3 quarters preceding the application date, and an application which meets the requirements of Section 5

of this Act for renewal of the license. If the application is approved pursuant to Section 6, the license shall be renewed for an additional one-year period.
(Source: P.A. 86-817; 86-1043.)

(225 ILCS 510/13) (from Ch. 111, par. 963)

Sec. 13. Application for employment.

(a) Every nurse agency shall cause each applicant for employment, assignment, or referral, as a nurse to complete an application form including the following information:

(1) name and address of the applicant;

(2) whether or not such applicant is a nurse currently licensed by the Department of Professional Regulation;

(3) if so licensed, the number and date of such license; and

(4) references and dates and places of previous employment.

Prior to employing, assigning, or referring a nurse, the agency shall contact the Department of Professional Regulation to determine whether the nurse's license is valid and in good standing. Written verification shall be sent by the Department of Financial and Professional Regulation within 20 working days. At least biennially thereafter, the nurse agency shall contact the Department of Financial and Professional Regulation to verify this information in writing. The nurse agency shall review the disciplinary report published by the Department of Financial and Professional Regulation on a monthly basis to determine whether the nurse's license is valid and in good standing.

(b) Every nurse agency shall cause each applicant for employment, assignment, or referral, as a certified nurse aide to complete an application form including the following information:

(1) name and address of the applicant;

(2) whether or not the nurse aide is registered as having completed a certified course as approved by the Department of Public Health; and

(3) references and dates and places of previous employment.

Prior to employing, assigning, or referring a certified nurse aide, the agency shall review the information provided on the Health Care Worker Registry to verify that the certification is valid. Prior to employing, assigning, or referring a certified nurse aide to a position at a health care employer or long-term facility as defined in the Health Care Worker Background Check Act, the nurse agency shall review the information provided on the Health Care Worker Registry to verify ~~and~~ that the certified nurse aide is not ineligible for the position ~~to be hired by health care employers or long-term care facilities~~ pursuant to Section 25 of the Health Care Worker Background Check Act.

(c) Every nurse agency shall check at least 2 recent references and the dates of employment provided by the applicant, unless the applicant has not had 2 previous employers.

(d) Knowingly employing, assigning, or referring to a health care facility a nurse or certified nurse aide with an illegally or fraudulently obtained or issued diploma, registration, license, certificate, or background study constitutes negligent hiring by a nurse agency and is grounds for suspension, revocation, or refusal to issue or renew a license under Section 9.

(e) ~~(d)~~ Nurses or certified nurses aides employed, assigned, or referred to a health care facility by a nurse agency shall be deemed to be employees of the nurse agency while working for the nurse agency or on nurse agency employment, assignment or referral.
(Source: P.A. 99-652, eff. 1-1-17.)

(225 ILCS 510/14) (from Ch. 111, par. 964)

Sec. 14. Minimum Standards.

(a) The Department, by rule, shall establish minimum standards for the operation of nurse agencies. Those standards shall include, but are not limited to: (1) the maintenance of written policies, procedures, and contracts between nurse agencies and health care facilities to which it assigns or refers nurses or certified nurse aides itemizing rates, including, but not limited to, specifying employee hourly pay rates, any and all add-on charges, and the nurse agency's administrative fees ~~and procedures~~; and (2) the development of personnel policies which include payroll records, including for nurses or certified nurse aides employed, assigned, or referred to health care facilities, a personal interview, a reference check, an annual evaluation of each employee (which may be based in part upon information provided by health care facilities utilizing nurse agency personnel) and periodic health examinations.

(b) Each nurse agency shall have a nurse serving as a manager or supervisor of all nurses and certified nurses aides.

(c) Each nurse agency shall ensure that its employees meet the minimum licensing, training, continuing education, and orientation standards for which those employees are licensed or certified. Each nurse agency shall also ensure that its employees perform any and all duties called for within the full scope of practice for which the individual is licensed or certified.

(d) A nurse agency shall not employ, assign, or refer for use in an Illinois health care facility a nurse or certified nurse aide unless certified or licensed under applicable provisions of State and federal law or regulations. Each certified nurse aide shall comply with all pertinent regulations of the ~~Illinois~~ Department ~~of Public Health~~ relating to the health and other qualifications of personnel employed in health care facilities.

(e) The Department shall ~~may~~ adopt rules to monitor the usage of nurse agency services to determine their impact. In the development of such rules, the Department may consult with the Department of Public Health to ensure the rules will determine the quality of care and public health impacts of the usage of nurse agency services.

(f) Nurse agencies are prohibited from recruiting potential employees on the premises of a health care facility or requiring, as a condition of employment, assignment, or referral, that their employees recruit new employees for the nurse agency from among the permanent employees of the health care facility to which the nurse agency employees have been employed, assigned, or referred, and the health care facility to which such employees are employed, assigned, or referred is prohibited from requiring, as a condition of employment, that their employees recruit new employees from these nurse agency employees. Violation of this provision is a business offense.

(g) Nurse agencies are prohibited from entering into covenants not to compete with nurses and certified nurse aides. A covenant not to compete entered into after the effective date of this amendatory Act of the 102nd General Assembly between a nurse agency and a nurse or certified nurse aide is illegal and void. The nursing agency shall not, in any contract with any employee or health care facility, require the payment of liquidated damages, conversion fees, employment fees, buy-out fees, placement fees, or other compensation if the employee is hired as a permanent employee of a health care facility.

(h) A nurse agency's administrative fee shall not exceed 50% of the hourly wage and any add-ons paid to the employee.

(i) No less than 100% of the employee hourly pay rate and any add-on charges shall be passed on to the employee.

(Source: P.A. 86-817.)

(225 ILCS 510/14.1)

Sec. 14.1. Investigations; orders; civil penalties.

(a) The Department may at any time, and shall upon receiving a complaint from any interested person, investigate any person licensed or applying for a license under this Act. The Department shall investigate any person who operates or advertises a nurse agency without being licensed under this Act. The Department shall establish a system of reporting complaints against a health care staffing agency. Complaints may be made by any member of the public. Complaints against a nurse agency shall be investigated by the Department of Labor. The investigations shall take into consideration the responsibility of health care facilities under Section 12 for supervising nurse agency employees assigned or referred to the facilities.

The Director or his or her authorized representative may examine the premises of any nurse agency, may compel by subpoena, for examination or inspection, the attendance and testimony of witnesses and the production of books, payrolls, records, papers and other evidence in any investigation or hearing, and may administer oaths or affirmations to witnesses.

(b) After appropriate notice and hearing, and if supported by the evidence, the Department may issue and cause to be served on any person an order to cease and desist from violation of this Act and to take any further action that is reasonable to eliminate the effect of the violation.

Whenever it appears that any person has violated a valid order of the Department issued under this Act, the Director may commence an action and obtain from the court an order directing the person to obey the order of the Department or be subject to punishment for contempt of court.

The Department may petition the court for an order enjoining any violation of this Act.

(c) Any licensee or applicant who violates any provision of this Act or the rules adopted under this Act shall be subject to a civil penalty of $10,000 per occurrence ~~$1,000 per day for each violation~~. Civil penalties may be assessed by the Department in an administrative action and may, if necessary, be recovered in a civil action brought by the Director through the Attorney General of the State of Illinois or the State's

attorney of any county in which the violation occurred. The court may order that the civil penalties assessed for violation of this Act, together with any costs or attorney's fees arising out of the action to collect the penalties, be paid to the Department. The fact that the violation has ceased does not excuse any person from liability for civil penalties arising from the violation.
(Source: P.A. 88-230.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 1145** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on Revenue earlier today.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1145

AMENDMENT NO. 2 . Amend Senate Bill 1145, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by adding Section 232 as follows:
(35 ILCS 5/232 new)
Sec. 232. College tuition expense credit.

(a) For taxable years that begin on or after January 1, 2023 and begin prior to January 1, 2028, a taxpayer who may claim one or more qualifying students as a dependent, or a taxpayer who is a qualifying student and is not claimed as a dependent by any other taxpayer, shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to the lesser of: (1) the qualified tuition and fee expenses paid by the taxpayer during the taxable year on behalf of the qualifying student or students; or (2) the maximum credit amount. Qualified taxpayers may apply to the Board of Higher Education for a credit under this Section in the form and manner required by the Board of Higher Education by rule. If the application is approved, the Board of Higher Education shall award the credit by issuance of a certificate of tax credit to the taxpayer. The taxpayer shall present the certificate of tax credit to the Department of Revenue by attaching the certificate to the taxpayer's Illinois income tax return.

(b) The maximum credit amount under this Section is:

(1) $1,000 if the taxpayer's federal adjusted gross income is more than 6 times the federal poverty level but not more than 7 times the federal poverty level;

(2) $750 if the taxpayer's federal adjusted gross income is more than 7 times the federal poverty level but not more than 9 times the federal poverty level; and

(3) $500 if the taxpayer's federal adjusted gross income is more than 9 times the federal poverty level but not more than 11 times the federal poverty level.

(c) In no event shall a credit under this Section reduce a taxpayer's liability to less than zero.

(d) For the purpose of this Section:

"Federal poverty level" means the federal poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, reported as of the last day of the taxable year for which the credit under this Section is claimed.

"Qualifying university" means any public university that is physically located in the State and is eligible to participate in a student loan program administered by the United States Department of Education.

"Qualifying student" means an individual who (i) is a resident of the State, (ii) is under the age of 24 at the close of the tax year for which a credit is sought, and (iii) during the tax year for which a credit is sought, is a full-time student enrolled in a program at a qualifying university at which the student is enrolled.

"Qualified tuition and fee expense" means the amount incurred on behalf of a qualifying student for tuition, book fees, and lab fees at the qualifying university at which the student is enrolled.

(e) Notwithstanding any other provision of law, no taxpayer may claim a credit under this Section if the taxpayer's federal adjusted gross income for the taxable year is less than or equal to 6 times the federal poverty level or more than 11 times the federal poverty level.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 1145** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Syverson
Aquino	Fine	McConchie	Tracy
Bailey	Fowler	Morrison	Turner, D.
Belt	Gillespie	Muñoz	Turner, S.
Bennett	Glowiak Hilton	Murphy	Villa
Bryant	Harris	Pacione-Zayas	Villanueva
Bush	Holmes	Peters	Villivalam
Castro	Hunter	Plummer	Wilcox
Connor	Johnson	Rezin	Mr. President
Crowe	Jones, E.	Rose	
Cunningham	Joyce	Simmons	
Curran	Koehler	Stadelman	
DeWitte	Loughran Cappel	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 2535** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2535

AMENDMENT NO. 2 . Amend Senate Bill 2535 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Section 19.1 as follows:

(225 ILCS 85/19.1)

(Section scheduled to be repealed on January 1, 2023)

Sec. 19.1. Dispensing opioid antagonists.

(a) Due to the recent rise in opioid-related deaths in Illinois and the existence of an opioid antagonist that can reverse the deadly effects of overdose, the General Assembly finds that in order to avoid further loss where possible, it is responsible to allow greater access of such an antagonist to those populations at risk of overdose.

(b) Notwithstanding any general or special law to the contrary, a licensed pharmacist shall ~~may~~ dispense an opioid antagonist in accordance with written, standardized procedures or protocols developed by the Department with the Department of Public Health and the Department of Human Services and ~~if the procedures or protocols are~~ filed at the pharmacy before implementation and are available to the Department upon request.

(c) Before dispensing an opioid a pharmacist shall inform patients that opioids are addictive and offer to dispense an opioid antagonist ~~pursuant to this Section, a pharmacist shall complete a training program approved by the Department of Human Services pursuant to Section 5-23 of the Substance Use Disorder Act. The training program shall include, but not be limited to, proper documentation and quality assurance~~.

(d) For the purpose of this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

(Source: P.A. 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 100-759, eff. 1-1-193.)

Section 10. The Illinois Controlled Substances Act is amended by changing Sections 312 and 313 as follows:

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written or electronic prescription of any prescriber, dated and signed by the person prescribing (or electronically validated in compliance with Section 311.5) on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he or she is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall, unless otherwise permitted, write the date of filling and his or her own signature on the face of the written prescription or, alternatively, shall indicate such filling using a unique identifier as defined in paragraph (v) of Section 3 of the Pharmacy Practice Act. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. If the specific prescription is machine or computer generated and printed at the prescriber's office, the date does not need to be handwritten. A prescription for a Schedule II controlled substance shall not be issued for more than a 30 day supply, except as provided in subsection (a-5), and shall be valid for up to 90 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber. A pharmacy shall maintain a policy regarding the type of identification necessary, if any, to receive a prescription in accordance with State and federal law. The pharmacy must post such information where prescriptions are filled.

(a-5) Physicians may issue multiple prescriptions (3 sequential 30-day supplies) for the same Schedule II controlled substance, authorizing up to a 90-day supply. Before authorizing a 90-day supply of a Schedule II controlled substance, the physician must meet the following conditions:

(1) Each separate prescription must be issued for a legitimate medical purpose by an individual physician acting in the usual course of professional practice.

(2) The individual physician must provide written instructions on each prescription (other than the first prescription, if the prescribing physician intends for the prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill that prescription.

(3) The physician shall document in the medical record of a patient the medical necessity for the amount and duration of the 3 sequential 30-day prescriptions for Schedule II narcotics.

(a-10) Prescribers who issue a prescription for an opioid shall inform the patient that opioids are addictive and that opioid antagonists are available by prescription or from a pharmacy.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he or she is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his or her own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his or her patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself or herself to the pharmacist by means of 2 positive documents of identification.

(3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

(4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Financial and Professional Regulation, attesting that he or she has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

(5) (Blank).

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record or log of controlled substances received by him or her and a record of all such controlled substances administered, dispensed or professionally used by him or her otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him or her other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank or electronic prescription issued by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him or her, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or her or the manufacturer, he or she shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription Schedule V product or a non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, he or she shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Financial and Professional Regulation. No person shall alter, deface or remove any label so affixed as long as the specific medication remains in the container.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him or her by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances that are under the prescriber's direct control is upon the prescriber. The responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not pre-print or cause to be pre-printed a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a pre-printed prescription for any controlled substance.

(i-5) A prescriber may use a machine or electronic device to individually generate a printed prescription, but the prescriber is still required to affix his or her manual signature.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his or her direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(k) Controlled substances may be mailed if all of the following conditions are met:

(1) The controlled substances are not outwardly dangerous and are not likely, of their own force, to cause injury to a person's life or health.

(2) The inner container of a parcel containing controlled substances must be marked and sealed as required under this Act and its rules, and be placed in a plain outer container or securely wrapped in plain paper.

(3) If the controlled substances consist of prescription medicines, the inner container must be labeled to show the name and address of the pharmacy or practitioner dispensing the prescription.

(4) The outside wrapper or container must be free of markings that would indicate the nature of the contents.

(l) Notwithstanding any other provision of this Act to the contrary, emergency medical services personnel may administer Schedule II, III, IV, or V controlled substances to a person in the scope of their employment without a written, electronic, or oral prescription of a prescriber.

(Source: P.A. 99-78, eff. 7-20-15; 99-480, eff. 9-9-15; 100-280, eff. 1-1-18.)

(720 ILCS 570/313) (from Ch. 56 1/2, par. 1313)

Sec. 313. (a) Controlled substances which are lawfully administered in hospitals or institutions licensed under the Hospital Licensing Act shall be exempt from the requirements of Sections 312 and 316, except that the prescription for the controlled substance shall be in writing on the patient's record, signed by the prescriber, and dated, and shall state the name and quantity of controlled substances ordered and the quantity actually administered. The records of such prescriptions shall be maintained for two years and shall be available for inspection by officers and employees of the Illinois State Police and the Department of Financial and Professional Regulation.

The exemption under this subsection (a) does not apply to a prescription (including an outpatient prescription from an emergency department or outpatient clinic) for more than a 72-hour supply of a discharge medication to be consumed outside of the hospital or institution.

(a-5) In a hospital or institutions licensed under the Hospital Licensing Act, all prescribers of an opioid shall inform the patient that opioids are addictive and that opioid antagonists are available by prescription or from a pharmacy. Upon discharge any patient who has overdosed on controlled substances shall be provided with an opioid antagonist. If the patient is not able to pay for the opioid antagonist, then the State of Illinois shall reimburse the hospital for the opioid antagonist from federal grant funds to address substance use disorder or other State funds for the same purpose.

(b) Controlled substances that can lawfully be administered or dispensed directly to a patient in a long-term care facility licensed by the Department of Public Health as a skilled nursing facility, intermediate care facility, or long-term care facility for residents under 22 years of age, are exempt from the requirements of Section 312 except that a prescription for a Schedule II controlled substance must be either a prescription signed by the prescriber or a prescription transmitted by the prescriber or prescriber's agent to the dispensing pharmacy by facsimile. The facsimile serves as the original prescription and must be maintained for 2 years from the date of issue in the same manner as a written prescription signed by the prescriber.

(c) A prescription that is generated for a Schedule II controlled substance to be compounded for direct administration to a patient in a private residence, long-term care facility, or hospice program may be transmitted by facsimile by the prescriber or the prescriber's agent to the pharmacy providing the home infusion services. The facsimile serves as the original prescription for purposes of this paragraph (c) and it shall be maintained in the same manner as the original prescription.

(c-1) A prescription generated for a Schedule II controlled substance for a patient residing in a hospice certified by Medicare under Title XVIII of the Social Security Act or licensed by the State may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile or electronically as provided in Section 311.5. The practitioner or practitioner's agent must note on the prescription that the patient is a hospice patient. The facsimile or electronic record serves as the original prescription for purposes of this paragraph (c-1) and it shall be maintained in the same manner as the original prescription.

(d) Controlled substances which are lawfully administered and/or dispensed in drug abuse treatment programs licensed by the Department shall be exempt from the requirements of Sections 312 and 316, except that the prescription for such controlled substances shall be issued and authenticated on official prescription logs prepared and maintained in accordance with 77 Ill. Adm. Code 2060: Alcoholism and Substance Abuse Treatment and Intervention Licenses, and in compliance with other applicable State and federal laws. The Department-licensed drug treatment program shall report applicable prescriptions via

electronic record keeping software approved by the Department. This software must be compatible with the specifications of the Department. Drug abuse treatment programs shall report to the Department methadone prescriptions or medications dispensed through the use of Department-approved File Transfer Protocols (FTPs). Methadone prescription records must be maintained in accordance with the applicable requirements as set forth by the Department in accordance with 77 Ill. Adm. Code 2060: Alcoholism and Substance Abuse Treatment and Intervention Licenses, and in compliance with other applicable State and federal laws.

(e) Nothing in this Act shall be construed to limit the authority of a hospital pursuant to Section 65-45 of the Nurse Practice Act to grant hospital clinical privileges to an individual advanced practice registered nurse to select, order or administer medications, including controlled substances to provide services within a hospital. Nothing in this Act shall be construed to limit the authority of an ambulatory surgical treatment center pursuant to Section 65-45 of the Nurse Practice Act to grant ambulatory surgical treatment center clinical privileges to an individual advanced practice registered nurse to select, order or administer medications, including controlled substances to provide services within an ambulatory surgical treatment center.

(Source: P.A. 100-513, eff. 1-1-18.)

Section 99. Effective date. This Act takes effect January 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2535

AMENDMENT NO. 3 . Amend Senate Bill 2535, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 17, lines 2 and 3, by changing "January 1, 2022" to "January 1, 2023".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2535

AMENDMENT NO. 4 . Amend Senate Bill 2535, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 14, by replacing lines 1 through 10 with the following:

"(a-5) In a hospital or institution licensed under the Hospital Licensing Act, all prescribers of an opioid shall inform the patient that opioids are addictive and that opioid antagonists are available by prescription or from a pharmacy. Upon discharge, any patient who has overdosed on controlled substances shall be provided with an opioid antagonist in accordance with written, standardized procedures or protocols developed by the Department of Financial and Professional Regulation with the Department of Human Services and the Department of Public Health and filed at the pharmacy before implementation and are available to the Department of Human Services upon request.

As used in this Section, "opioid antagonist" has the meaning provided in Section 5-5 of the Illinois Public Aid Code.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 2535

AMENDMENT NO. 5 . Amend Senate Bill 2535, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 2, line 24, by replacing "Sections 312 and 313" with "Section 312"; and

by deleting line 8 on page 13 through line 1 on page 17.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2, 3, 4 and 5 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bush, **Senate Bill No. 2535** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Syverson
Aquino	Fine	McConchie	Tracy
Bailey	Fowler	Morrison	Turner, D.
Belt	Gillespie	Muñoz	Turner, S.
Bennett	Glowiak Hilton	Murphy	Van Pelt
Bryant	Harris	Pacione-Zayas	Villa
Bush	Holmes	Peters	Villanueva
Castro	Hunter	Plummer	Villivalam
Connor	Johnson	Rezin	Wilcox
Crowe	Jones, E.	Rose	Mr. President
Cunningham	Joyce	Simmons	
Curran	Koehler	Stadelman	
DeWitte	Loughran Cappel	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Cunningham, **Senate Bill No. 3158** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Assignments.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3158

AMENDMENT NO. 2 . Amend Senate Bill 3158 by replacing everything after the enacting clause with the following:

"Section 5. Intent. This Act is not intended to interfere with the limitations on the conduct of sports wagering at inter-track wagering locations in Section 25-30 of the Sports Wagering Act.

Section 10. The Illinois Horse Racing Act of 1975 is amended by changing Section 26 as follows:

(230 ILCS 5/26) (from Ch. 8, par. 37-26)

Sec. 26. Wagering.

(a) Any licensee may conduct and supervise the pari-mutuel system of wagering, as defined in Section 3.12 of this Act, on horse races conducted by an Illinois organization licensee or conducted at a racetrack located in another state or country in accordance with subsection (g) of Section 26 of this Act. Subject to the prior consent of the Board, licensees may supplement any pari-mutuel pool in order to guarantee a minimum

distribution. Such pari-mutuel method of wagering shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding. Subject to rules for advance wagering promulgated by the Board, any licensee may accept wagers in advance of the day ~~of~~ the race wagered upon occurs.

(b) Except for those gaming activities for which a license is obtained and authorized under the Illinois Lottery Law, the Charitable Games Act, the Raffles and Poker Runs Act, or the Illinois Gambling Act, no other method of betting, pool making, wagering or gambling shall be used or permitted by the licensee. Each licensee may retain, subject to the payment of all applicable taxes and purses, an amount not to exceed 17% of all money wagered under subsection (a) of this Section, except as may otherwise be permitted under this Act.

(b-5) An individual may place a wager under the pari-mutuel system from any licensed location authorized under this Act provided that wager is electronically recorded in the manner described in Section 3.12 of this Act. Any wager made electronically by an individual while physically on the premises of a licensee shall be deemed to have been made at the premises of that licensee.

(c) (Blank).

(c-5) The sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be evenly distributed to the purse account of the organization licensee and the organization licensee, except that the balance of the sum of all outstanding pari-mutuel tickets generated from simulcast wagering and inter-track wagering by an organization licensee located in a county with a population in excess of 230,000 and borders the Mississippi River or any licensee that derives its license from that organization licensee shall be evenly distributed to the purse account of the organization licensee and the organization licensee.

(d) A pari-mutuel ticket shall be honored until December 31 of the next calendar year, and the licensee shall pay the same and may charge the amount thereof against unpaid money similarly accumulated on account of pari-mutuel tickets not presented for payment.

(e) No licensee shall knowingly permit any minor, other than an employee of such licensee or an owner, trainer, jockey, driver, or employee thereof, to be admitted during a racing program unless accompanied by a parent or guardian, or any minor to be a patron of the pari-mutuel system of wagering conducted or supervised by it. The admission of any unaccompanied minor, other than an employee of the licensee or an owner, trainer, jockey, driver, or employee thereof at a race track is a Class C misdemeanor.

(f) Notwithstanding the other provisions of this Act, an organization licensee may contract with an entity in another state or country to permit any legal wagering entity in another state or country to accept wagers solely within such other state or country on races conducted by the organization licensee in this State. Beginning January 1, 2000, these wagers shall not be subject to State taxation. Until January 1, 2000, when the out-of-State entity conducts a pari-mutuel pool separate from the organization licensee, a privilege tax equal to 7 1/2% of all monies received by the organization licensee from entities in other states or countries pursuant to such contracts is imposed on the organization licensee, and such privilege tax shall be remitted to the Department of Revenue within 48 hours of receipt of the moneys from the simulcast. When the out-of-State entity conducts a combined pari-mutuel pool with the organization licensee, the tax shall be 10% of all monies received by the organization licensee with 25% of the receipts from this 10% tax to be distributed to the county in which the race was conducted.

An organization licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states and may transmit audio and visual signals of races the organization licensee conducts to one or more locations outside the State or country and may also permit pari-mutuel pools in other states or countries to be combined with its gross or net wagering pools or with wagering pools established by other states.

(g) A host track may accept interstate simulcast wagers on horse races conducted in other states or countries and shall control the number of signals and types of breeds of racing in its simulcast program, subject to the disapproval of the Board. The Board may prohibit a simulcast program only if it finds that the simulcast program is clearly adverse to the integrity of racing. The host track simulcast program shall include the signal of live racing of all organization licensees. All non-host licensees and advance deposit wagering licensees shall carry the signal of and accept wagers on live racing of all organization licensees. Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any Illinois

signal provided pursuant to this Section without the approval and consent of the organization licensee providing the signal. For one year after August 15, 2014 (the effective date of Public Act 98-968), non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program of horse races conducted at race tracks located within North America upon which wagering is permitted. For a period of one year after August 15, 2014 (the effective date of Public Act 98-968), on horse races conducted at race tracks located outside of North America, non-host licensees may accept wagers on all races included as part of the simulcast program upon which wagering is permitted. Beginning August 15, 2015 (one year after the effective date of Public Act 98-968), non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program upon which wagering is permitted. All organization licensees shall provide their live signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 6% of the advance deposit wagering licensee's Illinois handle on the organization licensee's signal without prior approval by the Board. The Board may adopt rules under which it may permit simulcast commission fees in excess of 6%. The Board shall adopt rules limiting the interstate commission fees charged to an advance deposit wagering licensee. The Board shall adopt rules regarding advance deposit wagering on interstate simulcast races that shall reflect, among other things, the General Assembly's desire to maximize revenues to the State, horsemen purses, and organization licensees. However, organization licensees providing live signals pursuant to the requirements of this subsection (g) may petition the Board to withhold their live signals from an advance deposit wagering licensee if the organization licensee discovers and the Board finds reputable or credible information that the advance deposit wagering licensee is under investigation by another state or federal governmental agency, the advance deposit wagering licensee's license has been suspended in another state, or the advance deposit wagering licensee's license is in revocation proceedings in another state. The organization licensee's provision of their live signal to an advance deposit wagering licensee under this subsection (g) pertains to wagers placed from within Illinois. Advance deposit wagering licensees may place advance deposit wagering terminals at wagering facilities as a convenience to customers. The advance deposit wagering licensee shall not charge or collect any fee from purses for the placement of the advance deposit wagering terminals. The costs and expenses of the host track and non-host licensees associated with interstate simulcast wagering, other than the interstate commission fee, shall be borne by the host track and all non-host licensees incurring these costs. The interstate commission fee shall not exceed 5% of Illinois handle on the interstate simulcast race or races without prior approval of the Board. The Board shall promulgate rules under which it may permit interstate commission fees in excess of 5%. The interstate commission fee and other fees charged by the sending racetrack, including, but not limited to, satellite decoder fees, shall be uniformly applied to the host track and all non-host licensees.

Notwithstanding any other provision of this Act, an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may maintain a system whereby advance deposit wagering may take place or an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may contract with another person to carry out a system of advance deposit wagering. Such consent may not be unreasonably withheld. Only with respect to an appeal to the Board that consent for an organization licensee that maintains its own advance deposit wagering system is being unreasonably withheld, the Board shall issue a final order within 30 days after initiation of the appeal, and the organization licensee's advance deposit wagering system may remain operational during that 30-day period. The actions of any organization licensee who conducts advance deposit wagering or any person who has a contract with an organization licensee to conduct advance deposit wagering who conducts advance deposit wagering on or after January 1, 2013 and prior to June 7, 2013 (the effective date of Public Act 98-18) taken in reliance on the changes made to this subsection (g) by Public Act 98-18 are hereby validated, provided payment of all applicable pari-mutuel taxes are remitted to the Board. All advance deposit wagers placed from within Illinois must be placed through a Board-approved advance deposit wagering licensee; no other entity may accept an advance deposit wager from a person within Illinois. All advance deposit wagering is subject to any rules adopted by the Board. The Board may adopt rules necessary to regulate advance deposit wagering through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to regulate advance deposit wagering is deemed an emergency and necessary for the public interest, safety, and welfare. An advance deposit wagering licensee may retain all moneys as agreed to by contract with an organization licensee. Any moneys retained by the organization licensee from advance

deposit wagering, not including moneys retained by the advance deposit wagering licensee, shall be paid 50% to the organization licensee's purse account and 50% to the organization licensee. With the exception of any organization licensee that is owned by a publicly traded company that is incorporated in a state other than Illinois and advance deposit wagering licensees under contract with such organization licensees, organization licensees that maintain advance deposit wagering systems and advance deposit wagering licensees that contract with organization licensees shall provide sufficiently detailed monthly accountings to the horsemen association representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting so that the horsemen association, as an interested party, can confirm the accuracy of the amounts paid to the purse account at the horsemen association's affiliated organization licensee from advance deposit wagering. If more than one breed races at the same race track facility, then the 50% of the moneys to be paid to an organization licensee's purse account shall be allocated among all organization licensees' purse accounts operating at that race track facility proportionately based on the actual number of host days that the Board grants to that breed at that race track facility in the current calendar year. To the extent any fees from advance deposit wagering conducted in Illinois for wagers in Illinois or other states have been placed in escrow or otherwise withheld from wagers pending a determination of the legality of advance deposit wagering, no action shall be brought to declare such wagers or the disbursement of any fees previously escrowed illegal.

(1) Between the hours of 6:30 a.m. and 6:30 p.m. an inter-track wagering licensee other than the host track may supplement the host track simulcast program with additional simulcast races or race programs, provided that between January 1 and the third Friday in February of any year, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, only thoroughbred races may be used for supplemental interstate simulcast purposes. The Board shall withhold approval for a supplemental interstate simulcast only if it finds that the simulcast is clearly adverse to the integrity of racing. A supplemental interstate simulcast may be transmitted from an inter-track wagering licensee to its affiliated non-host licensees. The interstate commission fee for a supplemental interstate simulcast shall be paid by the non-host licensee and its affiliated non-host licensees receiving the simulcast.

(2) Between the hours of 6:30 p.m. and 6:30 a.m. an inter-track wagering licensee other than the host track may receive supplemental interstate simulcasts only with the consent of the host track, except when the Board finds that the simulcast is clearly adverse to the integrity of racing. Consent granted under this paragraph (2) to any inter-track wagering licensee shall be deemed consent to all non-host licensees. The interstate commission fee for the supplemental interstate simulcast shall be paid by all participating non-host licensees.

(3) Each licensee conducting interstate simulcast wagering may retain, subject to the payment of all applicable taxes and the purses, an amount not to exceed 17% of all money wagered. If any licensee conducts the pari-mutuel system wagering on races conducted at racetracks in another state or country, each such race or race program shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax of that daily handle as provided in subsection (a) of Section 27. Until January 1, 2000, from the sums permitted to be retained pursuant to this subsection, each inter-track wagering location licensee shall pay 1% of the pari-mutuel handle wagered on simulcast wagering to the Horse Racing Tax Allocation Fund, subject to the provisions of subparagraph (B) of paragraph (11) of subsection (h) of Section 26 of this Act.

(4) A licensee who receives an interstate simulcast may combine its gross or net pools with pools at the sending racetracks pursuant to rules established by the Board. All licensees combining their gross pools at a sending racetrack shall adopt the takeout percentages of the sending racetrack. A licensee may also establish a separate pool and takeout structure for wagering purposes on races conducted at race tracks outside of the State of Illinois. The licensee may permit pari-mutuel wagers placed in other states or countries to be combined with its gross or net wagering pools or other wagering pools.

(5) After the payment of the interstate commission fee (except for the interstate commission fee on a supplemental interstate simulcast, which shall be paid by the host track and by each non-host licensee through the host track) and all applicable State and local taxes, except as provided in subsection (g) of Section 27 of this Act, the remainder of moneys retained from simulcast wagering pursuant to this subsection (g), and Section 26.2 shall be divided as follows:

(A) For interstate simulcast wagers made at a host track, 50% to the host track and 50% to purses at the host track.

(B) For wagers placed on interstate simulcast races, supplemental simulcasts as defined in subparagraphs (1) and (2), and separately pooled races conducted outside of the State of Illinois made at a non-host licensee, 25% to the host track, 25% to the non-host licensee, and 50% to the purses at the host track.

(6) Notwithstanding any provision in this Act to the contrary, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River may receive supplemental interstate simulcast races at all times subject to Board approval, which shall be withheld only upon a finding that a supplemental interstate simulcast is clearly adverse to the integrity of racing.

(7) Effective January 1, 2017, notwithstanding any provision of this Act to the contrary, after payment of all applicable State and local taxes and interstate commission fees, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain 50% of the retention from interstate simulcast wagers and shall pay 50% to purses at the track from which the non-host licensee derives its license.

(7.1) Notwithstanding any other provision of this Act to the contrary, if no standardbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during that calendar year shall be paid as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be paid to its thoroughbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund and shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. The moneys deposited into the Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with other moneys paid into that Fund. The moneys deposited pursuant to this subparagraph (B) shall be allocated as provided by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board.

(7.2) Notwithstanding any other provision of this Act to the contrary, if no thoroughbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 a.m. and 6:30 p.m. during that calendar year shall be deposited as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be deposited into its standardbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund. Moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be paid to Illinois conceived and foaled thoroughbred breeders' programs and to thoroughbred purses for races conducted at any county fairgrounds for Illinois conceived and foaled horses at the discretion of the Department of Agriculture, with the advice and assistance of the Illinois Thoroughbred Breeders Fund Advisory Board. The moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to thoroughbred purses under this Act, and shall not be commingled with other moneys deposited into that Fund.

(8) Notwithstanding any provision in this Act to the contrary, an organization licensee from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River and its affiliated non-host licensees shall not be entitled to share in any retention generated on racing, inter-track wagering, or simulcast wagering at any other Illinois wagering facility.

(8.1) Notwithstanding any provisions in this Act to the contrary, if 2 organization licensees are conducting standardbred race meetings concurrently between the hours of 6:30 p.m. and 6:30 a.m., after payment of all applicable State and local taxes and interstate commission fees, the remainder of

the amount retained from simulcast wagering otherwise attributable to the host track and to host track purses shall be split daily between the 2 organization licensees and the purses at the tracks of the 2 organization licensees, respectively, based on each organization licensee's share of the total live handle for that day, provided that this provision shall not apply to any non-host licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) The Board shall have authority to compel all host tracks to receive the simulcast of any or all races conducted at the Springfield or DuQuoin State fairgrounds and include all such races as part of their simulcast programs.

(13) Notwithstanding any other provision of this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with the wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari-mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section. Beginning in the calendar year in which an organization licensee that is eligible to receive payment under this paragraph (13) begins to receive funds from gaming pursuant to an organization gaming license issued under the Illinois Gambling Act, the amount of the payment due to all wagering facilities licensed under that organization licensee under this paragraph (13) shall be the amount certified by the Board in January of that year. An organization licensee and its related wagering facilities shall no longer be able to receive payments under this paragraph (13) beginning in the year subsequent to the first year in which the organization licensee begins to receive funds from gaming pursuant to an organization gaming license issued under the Illinois Gambling Act.

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; (iii) at a track awarded standardbred racing dates; or (iv) at a track located in Madison County that conducted at least 100 days of live racing during the immediately

preceding calendar year may be issued an inter-track wagering license, unless a lesser schedule of live racing is the result of (A) weather, unsafe track conditions, or other acts of God; (B) an agreement between the organization licensee and the associations representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting; or (C) a finding by the Board of extraordinary circumstances and that it was in the best interest of the public and the sport to conduct fewer than 100 days of live racing. Any such person having operating control of the racing facility may receive inter-track wagering location licenses. An eligible race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River may establish up to 9 inter-track wagering location licenses, and an eligible race track conducting standardbred racing pursuant to Section 19.5 may have up to 16 inter-track wagering location licenses. In addition to the prior sentence's inter-track wagering location licenses, all other eligible race tracks may have up to 34 intertrack wagering location licenses in total between all eligible inter-track wagering licenses ~~locations, an eligible race track located in Stickney Township in Cook County may establish up to 16 inter track wagering locations, and an eligible race track located in Palatine Township in Cook County may establish up to 18 inter-track wagering locations~~. An eligible racetrack conducting standardbred racing may have up to 16 inter-track wagering locations. An application for said license shall be filed with the Board prior to such dates as may be fixed by the Board. With an application for an inter-track wagering location license there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to $500. The application shall be on forms prescribed and furnished by the Board. The application shall comply with all other rules, regulations and conditions imposed by the Board in connection therewith.

(2) The Board shall examine the applications with respect to their conformity with this Act and the rules and regulations imposed by the Board. If found to be in compliance with the Act and rules and regulations of the Board, the Board may then issue a license to conduct inter-track wagering and simulcast wagering to such applicant. All such applications shall be acted upon by the Board at a meeting to be held on such date as may be fixed by the Board.

(3) In granting licenses to conduct inter-track wagering and simulcast wagering, the Board shall give due consideration to the best interests of the public, of horse racing, and of maximizing revenue to the State.

(4) Prior to the issuance of a license to conduct inter-track wagering and simulcast wagering, the applicant shall file with the Board a bond payable to the State of Illinois in the sum of $50,000, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon (i) the payment by the licensee of all taxes due under Section 27 or 27.1 and any other monies due and payable under this Act, and (ii) distribution by the licensee, upon presentation of the winning ticket or tickets, of all sums payable to the patrons of pari-mutuel pools.

(5) Each license to conduct inter-track wagering and simulcast wagering shall specify the person to whom it is issued, the dates on which such wagering is permitted, and the track or location where the wagering is to be conducted.

(6) All wagering under such license is subject to this Act and to the rules and regulations from time to time prescribed by the Board, and every such license issued by the Board shall contain a recital to that effect.

(7) An inter-track wagering licensee or inter-track wagering location licensee may accept wagers at the track or location where it is licensed, or as otherwise provided under this Act.

(8) Inter-track wagering or simulcast wagering shall not be conducted at any track less than 4 miles from a track at which a racing meeting is in progress.

(8.1) Inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations that are within 160 miles of that race track where the particular organization licensee is licensed to conduct racing. However, inter-track wagering and simulcast wagering shall not be conducted by those licensees at any location within 5 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made. In the case of any inter-track wagering location licensee initially licensed after December 31, 2013, inter-track wagering and simulcast wagering shall not be conducted by those inter-track wagering location licensees that are located outside the City of

Chicago at any location within 8 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made.

(8.2) Inter-track wagering or simulcast wagering shall not be conducted by an inter-track wagering location licensee at any location within 100 feet of an existing church, an existing elementary or secondary public school, or an existing elementary or secondary private school registered with or recognized by the State Board of Education. The distance of 100 feet shall be measured to the nearest part of any building used for worship services, education programs, or conducting inter-track wagering by an inter-track wagering location licensee, and not to property boundaries. However, inter-track wagering or simulcast wagering may be conducted at a site within 100 feet of a church or school if such church or school has been erected or established after the Board issues the original inter-track wagering location license at the site in question. Inter-track wagering location licensees may conduct inter-track wagering and simulcast wagering only in areas that are zoned for commercial or manufacturing purposes or in areas for which a special use has been approved by the local zoning authority. However, no license to conduct inter-track wagering and simulcast wagering shall be granted by the Board with respect to any inter-track wagering location within the jurisdiction of any local zoning authority which has, by ordinance or by resolution, prohibited the establishment of an inter-track wagering location within its jurisdiction. However, inter-track wagering and simulcast wagering may be conducted at a site if such ordinance or resolution is enacted after the Board licenses the original inter-track wagering location licensee for the site in question.

(9) (Blank).

(10) An inter-track wagering licensee or an inter-track wagering location licensee may retain, subject to the payment of the privilege taxes and the purses, an amount not to exceed 17% of all money wagered. Each program of racing conducted by each inter-track wagering licensee or inter-track wagering location licensee shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax or pari-mutuel tax on such daily handle as provided in Section 27.

(10.1) Except as provided in subsection (g) of Section 27 of this Act, inter-track wagering location licensees shall pay 1% of the pari-mutuel handle at each location to the municipality in which such location is situated and 1% of the pari-mutuel handle at each location to the county in which such location is situated. In the event that an inter-track wagering location licensee is situated in an unincorporated area of a county, such licensee shall pay 2% of the pari-mutuel handle from such location to such county. Inter-track wagering location licensees must pay the handle percentage required under this paragraph to the municipality and county no later than the 20th of the month following the month such handle was generated.

(10.2) Notwithstanding any other provision of this Act, with respect to inter-track wagering at a race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River ("the first race track"), or at a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, on races conducted at the first race track or on races conducted at another Illinois race track and simultaneously televised to the first race track or to a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, those moneys shall be allocated as follows:

(A) That portion of all moneys wagered on standardbred racing that is required under this Act to be paid to purses shall be paid to purses for standardbred races.

(B) That portion of all moneys wagered on thoroughbred racing that is required under this Act to be paid to purses shall be paid to purses for thoroughbred races.

(11) (A) After payment of the privilege or pari-mutuel tax, any other applicable taxes, and the costs and expenses in connection with the gathering, transmission, and dissemination of all data necessary to the conduct of inter-track wagering, the remainder of the monies retained under either Section 26 or Section 26.2 of this Act by the inter-track wagering licensee on inter-track wagering shall be allocated with 50% to be split between the 2 participating licensees and 50% to purses, except that an inter-track wagering licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining

retention with the Illinois organization licensee that provides the race or races, and an inter-track wagering licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with that organization licensee.

(B) From the sums permitted to be retained pursuant to this Act each inter-track wagering location licensee shall pay (i) the privilege or pari-mutuel tax to the State; (ii) 4.75% of the pari-mutuel handle on inter-track wagering at such location on races as purses, except that an inter-track wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain all purse moneys for its own purse account consistent with distribution set forth in this subsection (h), and inter-track wagering location licensees that accept wagers on races conducted by an organization licensee located in a county with a population in excess of 230,000 and that borders the Mississippi River shall distribute all purse moneys to purses at the operating host track; (iii) until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, 1% of the pari-mutuel handle wagered on inter-track wagering and simulcast wagering at each inter-track wagering location licensee facility to the Horse Racing Tax Allocation Fund, provided that, to the extent the total amount collected and distributed to the Horse Racing Tax Allocation Fund under this subsection (h) during any calendar year exceeds the amount collected and distributed to the Horse Racing Tax Allocation Fund during calendar year 1994, that excess amount shall be redistributed (I) to all inter-track wagering location licensees, based on each licensee's pro rata share of the total handle from inter-track wagering and simulcast wagering for all inter-track wagering location licensees during the calendar year in which this provision is applicable; then (II) the amounts redistributed to each inter-track wagering location licensee as described in subpart (I) shall be further redistributed as provided in subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 provided first, that the shares of those amounts, which are to be redistributed to the host track or to purses at the host track under subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 shall be redistributed based on each host track's pro rata share of the total inter-track wagering and simulcast wagering handle at all host tracks during the calendar year in question, and second, that any amounts redistributed as described in part (I) to an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall be further redistributed, effective January 1, 2017, as provided in paragraph (7) of subsection (g) of this Section 26, with the portion of that further redistribution allocated to purses at that organization licensee to be divided between standardbred purses and thoroughbred purses based on the amounts otherwise allocated to purses at that organization licensee during the calendar year in question; and (iv) 8% of the pari-mutuel handle on inter-track wagering wagered at such location to satisfy all costs and expenses of conducting its wagering. The remainder of the monies retained by the inter-track wagering location licensee shall be allocated 40% to the location licensee and 60% to the organization licensee which provides the Illinois races to the location, except that an inter-track wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee that provides the race or races and an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee. Notwithstanding the provisions of clauses (ii) and (iv) of this paragraph, in the case of the additional inter-track wagering location licenses authorized under paragraph (1) of this subsection (h) by Public Act 87-110, those licensees shall pay the following amounts as purses: during the first 12 months the licensee is in operation, 5.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 5.25%; during the third 12 months, 5.75%; during the fourth 12 months, 6.25%; and during the fifth 12 months and thereafter, 6.75%. The following amounts shall be retained by the licensee to satisfy all costs and expenses of conducting its wagering: during the first 12 months the licensee is in operation, 8.25% of the pari-mutuel handle wagered at the location; during the second 12 months, 8.25%; during the third 12 months, 7.75%; during the fourth 12 months, 7.25%; and during the fifth 12 months and thereafter, 6.75%. For additional inter-track wagering location licensees authorized under Public Act 89-16, purses for the first 12 months the licensee is in operation shall be 5.75% of the pari-mutuel wagered at the location, purses for the second 12 months the

licensee is in operation shall be 6.25%, and purses thereafter shall be 6.75%. For additional inter-track location licensees authorized under Public Act 89-16, the licensee shall be allowed to retain to satisfy all costs and expenses: 7.75% of the pari-mutuel handle wagered at the location during its first 12 months of operation, 7.25% during its second 12 months of operation, and 6.75% thereafter.

(C) There is hereby created the Horse Racing Tax Allocation Fund which shall remain in existence until December 31, 1999. Moneys remaining in the Fund after December 31, 1999 shall be paid into the General Revenue Fund. Until January 1, 2000, all monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) by inter-track wagering location licensees located in park districts of 500,000 population or less, or in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, and operating on May 1, 1994 shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to park districts or municipalities that do not have a park district of 500,000 population or less for museum purposes (if an inter-track wagering location licensee is located in such a park district) or to conservation districts for museum purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, except that if the conservation district does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes) or to a municipal recreation board for park purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district and park maintenance is the function of the municipal recreation board and the municipality has a 1990 population of 9,302 according to the United States Bureau of the Census); provided that the monies are distributed to each park district or conservation district or municipality that does not have a park district in an amount equal to four-sevenths of the amount collected by each inter-track wagering location licensee within the park district or conservation district or municipality for the Fund. Monies that were paid into the Horse Racing Tax Allocation Fund before August 9, 1991 (the effective date of Public Act 87-110) by an inter-track wagering location licensee located in a municipality that is not included within any park district but is included within a conservation district as provided in this paragraph shall, as soon as practicable after August 9, 1991 (the effective date of Public Act 87-110), be allocated and paid to that conservation district as provided in this paragraph. Any park district or municipality not maintaining a

museum may deposit the monies in the corporate fund of the park district or municipality where the inter-track wagering location is located, to be used for general purposes; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967.

Until January 1, 2000, all other monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to museums and aquariums located in park districts of over 500,000 population; provided that the monies are distributed in accordance with the previous year's distribution of the maintenance tax for such museums and aquariums as provided in Section 2 of the Park District Aquarium and Museum Act; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967. This subparagraph (C) shall be inoperative and of no force and effect on and after January 1, 2000.

(D) Except as provided in paragraph (11) of this subsection (h), with respect to purse allocation from inter-track wagering, the monies so retained shall be divided as follows:

(i) If the inter-track wagering licensee, except an inter-track wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is not conducting its own race meeting during the same dates, then the entire purse allocation shall be to purses at the track where the races wagered on are being conducted.

(ii) If the inter-track wagering licensee, except an inter-track wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is also conducting its own race meeting during the same dates, then the purse allocation shall be as follows: 50% to purses at the track where the races wagered on are being conducted; 50% to purses at the track where the inter-track wagering licensee is accepting such wagers.

(iii) If the inter-track wagering is being conducted by an inter-track wagering location licensee, except an inter-track wagering location licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000

and bounded by the Mississippi River, the entire purse allocation for Illinois races shall be to purses at the track where the race meeting being wagered on is being held.

(12) The Board shall have all powers necessary and proper to fully supervise and control the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees, including, but not limited to, the following:

(A) The Board is vested with power to promulgate reasonable rules and regulations for the purpose of administering the conduct of this wagering and to prescribe reasonable rules, regulations and conditions under which such wagering shall be held and conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of said wagering and to impose penalties for violations thereof.

(B) The Board, and any person or persons to whom it delegates this power, is vested with the power to enter the facilities of any licensee to determine whether there has been compliance with the provisions of this Act and the rules and regulations relating to the conduct of such wagering.

(C) The Board, and any person or persons to whom it delegates this power, may eject or exclude from any licensee's facilities, any person whose conduct or reputation is such that his presence on such premises may, in the opinion of the Board, call into the question the honesty and integrity of, or interfere with the orderly conduct of such wagering; provided, however, that no person shall be excluded or ejected from such premises solely on the grounds of race, color, creed, national origin, ancestry, or sex.

(D) (Blank).

(E) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this wagering and any rules and regulations promulgated in accordance with this Act.

(F) The Board shall name and appoint a State director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board; such rules and regulation shall specify the method of appointment and the Director's powers, authority and duties.

(G) The Board is vested with the power to impose civil penalties of up to $5,000 against individuals and up to $10,000 against licensees for each violation of any provision of this Act relating to the conduct of this wagering, any rules adopted by the Board, any order of the Board or any other action which in the Board's discretion, is a detriment or impediment to such wagering.

(13) The Department of Agriculture may enter into agreements with licensees authorizing such licensees to conduct inter-track wagering on races to be held at the licensed race meetings conducted by the Department of Agriculture. Such agreement shall specify the races of the Department of Agriculture's licensed race meeting upon which the licensees will conduct wagering. In the event that a licensee conducts inter-track pari-mutuel wagering on races from the Illinois State Fair or DuQuoin State Fair which are in addition to the licensee's previously approved racing program, those races shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege or pari-mutuel tax on that daily handle as provided in Sections 27 and 27.1. Such agreements shall be approved by the Board before such wagering may be conducted. In determining whether to grant approval, the Board shall give due consideration to the best interests of the public and of horse racing. The provisions of paragraphs (1), (8), (8.1), and (8.2) of subsection (h) of this Section which are not specified in this paragraph (13) shall not apply to licensed race meetings conducted by the Department of Agriculture at the Illinois State Fair in Sangamon County or the DuQuoin State Fair in Perry County, or to any wagering conducted on those race meetings.

(14) An inter-track wagering location license authorized by the Board in 2016 that is owned and operated by a race track in Rock Island County shall be transferred to a commonly owned race track in Cook County on August 12, 2016 (the effective date of Public Act 99-757). The licensee shall retain its status in relation to purse distribution under paragraph (11) of this subsection (h) following the transfer to the new entity. The pari-mutuel tax credit under Section 32.1 shall not be applied toward any pari-mutuel tax obligation of the inter-track wagering location licensee of the license that is transferred under this paragraph (14).

(15) No inter-track wagering location licensee, inter-track wagering licensee, or organization licensee may give anything of value, including, but not limited to, a loan or financing arrangement, to a licensed establishment, as defined by the Video Gaming Act, as an incentive or inducement to locate video gaming terminals, as defined in the Video Gaming Act, in that establishment.

(i) Notwithstanding the other provisions of this Act, the conduct of wagering at wagering facilities is authorized on all days, except as limited by subsection (b) of Section 19 of this Act.

(Source: P.A. 101-31, eff. 6-28-19; 101-52, eff. 7-12-19; 101-81, eff. 7-12-19; 101-109, eff. 7-19-19; 102-558, eff. 8-20-21; revised 12-2-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cunningham, **Senate Bill No. 3158** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	Koehler	Syverson
Aquino	Feigenholtz	Loughran Cappel	Tracy
Bailey	Fine	McClure	Turner, D.
Belt	Fowler	Morrison	Turner, S.
Bennett	Gillespie	Muñoz	Van Pelt
Bryant	Glowiak Hilton	Murphy	Villa
Bush	Harris	Pacione-Zayas	Villanueva
Castro	Holmes	Peters	Villivalam
Connor	Hunter	Rezin	Wilcox
Crowe	Johnson	Rose	Mr. President
Cunningham	Jones, E.	Simmons	
Curran	Joyce	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Villa, **Senate Bill No. 3720** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 3 was held in the Committee on Executive.

Senator Villa offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3720

AMENDMENT NO. 4 . Amend Senate Bill 3720, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Bias-Free Child Removal Pilot Program Act.

Section 5. Findings. The General Assembly finds that the University of Illinois' Children and Family Research Center determined in its October 2021 report, "Racial Disproportionality in the Illinois Child Welfare System", that:

(1) In 2020, compared to their percentage in the general child population, black children were overrepresented in foster care having made up 16.4% of the general child population, but accounting for 38.5% of protective custodies.

(2) In comparison, white children were proportionally represented in foster care having made up 52.8% of the general child population, but accounting for 48.8% of protective custodies. Hispanic children were under-represented having made up 24.9% of the general child population, but accounting for 11.5% of protective custodies.

Section 10. Purpose.

(a) In Illinois, and across the nation, some racial and ethnic minority groups are disproportionately represented in the child welfare system. This disproportionality could occur at 5 different decision points during a family's child welfare involvement:

(1) investigated child abuse/neglect (CAN) reports;

(2) protective custodies;

(3) indicated CAN reports;

(4) post-investigation service provision; and

(5) timely exits from substitute care.

(b) The purpose of this Act is to:

(1) Require the Department of Children and Family Services to establish a 3-year, Bias-Free Child Removal Pilot Program for the purpose of promoting unbiased decision making in the child removal process, while maintaining the safety of children and reducing risk, with the goal of decreasing the overrepresentation of BIPOC children in out-of-home placements. This goal would be achieved by convening a group of senior-level internal staff members from the Department of Children and Family Services who are from an area other than the pilot area to (i) review removal decisions, absent specific demographic information and (ii) determine whether removal of a child is necessary to avoid imminent risk to the child's safety, health, and well-being.

(2) Establish a steering committee to:

(A) develop and implement the Bias-Free Removal Pilot Program;

(B) appoint members for the Bias-Free Case Review Team; and

(C) appoint members for the Bias-Free Child Removal Advisory Board.

(3) Establish a Bias-Free Case Review Team consisting of a child protection supervisor, an area administrator, and a regional administrator from an area other than the pilot area to: (i) review removal decisions absent specific demographic information as provided in paragraph (3) of subsection (e) of Section 25; and (ii) determine whether removal of the child is necessary to avoid imminent risk to the child's safety, health, and well-being.

(4) Establish a Bias-Free Child Removal Advisory Board to monitor and oversee the Bias-Free Case Review Team and ensure that the Bias-Free Case Review Team executes bias-free removals in accordance with the provisions of this Act.

Section 15. Definitions. As used in this Act:

"Bias-free" means to review a case file without the following identifying demographic information on the parent and child: gender, race, ethnicity, geographic location, and socioeconomic status, which prevents a reader from inserting bias, implicit or explicit, into critical decisions such as removing a child from the child's family.

"BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Child" means any person under 18 years of age.

"Child welfare court personnel" means lawyers, judges, public defenders, and guardians ad litem.

"Department" means the Department of Children and Family Services.

"Evaluation design" means identifying an overall strategy for analyzing the effectiveness of a program to include outlining a distinct approach to formulating key outputs and outcomes, selecting an appropriate research method, and evaluating the outcomes of a program.

"Immediate and urgent necessity", in accordance with Section 5 of the Abused and Neglected Child reporting Act, means (i) that there is a reason to believe that the child cannot be cared for at home or in the custody of the person responsible for the child's welfare without endangering the child's health or safety and (ii) that there is no time to apply for a court order under the Juvenile Court Act of 1987 for temporary custody of the child.

"Lived experience" means a representation of the experiences of a person involved in the child welfare system, the knowledge and understanding that the person gains from these experiences, and the ability to understand the policies or guidelines of the Department.

"Program" or "pilot program" means the Bias-Free Child Removal Pilot Program.

"Review Team" means the Bias-Free Case Review Team.

Section 20. Program. The Department of Children and Family Services shall establish a 3-year Bias-Free Child Removal Pilot Program no later than January 1, 2024, for the purpose of promoting unbiased decision making in the child removal process. The pilot program shall be implemented in a field office located in DuPage County, a field office located in Champaign County, and a field office located in Williamson County. The purpose of promoting unbiased decision making in the child removal process shall be achieved by the identified county using a bias-free child removal strategy when deciding whether a child should be removed from the custody of the child's parent or guardian, as specified.

By January 1, 2024, the steering committee established by the Department as provided in Section 25 shall develop the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in DuPage County, one office located in Champaign County, and one office located in Williamson County.

The Department shall on January 1, 2025, January 1, 2026, and January 1, 2027 submit to the General Assembly an evaluation report that details the pilot program's implementation and that provides an analysis of the pilot program's effect and impact on the removal rates of BIPOC children. The January 1, 2027 report shall be the final evaluation report submitted to the General Assembly by the Department.

Section 25. Implementation.

(a) By January 1, 2023, the Department shall establish a steering committee consisting of an interdisciplinary, diverse group of child welfare professionals and advocates for the purpose of creating the Bias-Free Child Removal Pilot Program and the pre-implementation plan for the pilot program. The steering committee shall be diverse in regard to the geographic location, race/ethnicity, gender, and profession and lived experience of committee members. As used in this Section, "lived experience" includes knowledge and understanding of Department processes and policies. The steering committee shall develop and oversee the implementation of the Bias-Free Case Review Team and bias-free removal process. Once established, the steering committee shall initiate implementation of the pilot program ensuring: (i) organizational readiness; (ii) adequate data collection and analysis; (iii) professional development and training for the staff; and (iv) adherence to existing rules and State laws concerning child safety. The steering committee shall include, but not be limited to, the following members:

(1) A parent with lived experience in the child welfare system.

(2) A former youth in care with lived experience in the child welfare system.

(3) A member of an organization or office that represents children in abuse and neglect proceedings.

(4) A community-based organization that advocates for parents' rights within the child welfare system.

(5) A public or private university responsible for evaluating the pilot program.

(6) Five staff members from the Department, which shall include a child protection investigator, a child protection supervisor, the Deputy Director of the Department's Division of Child Protection, the Deputy Director of the Department's Division of Race Equity Practice, and the Deputy Director of the Department's Division of Intact Services.

(7) A licensed attorney who has practiced within the Illinois child welfare court system in a county represented in the pilot program such as, but not limited to, a public defender, an assistant state's attorney, a guardian ad litem, or a judge.

(8) A member of a statewide organization that advocates on behalf of community-based services for children and families.

(b) By January 1, 2024, the steering committee shall establish the pilot program for the purpose of addressing racial disproportionality in the child welfare system. The pilot program shall be implemented for a period of no less than 3 years in at least one office located in DuPage County, one office located in Champaign County, and one office located in Williamson County.

(c) The steering committee shall develop a written plan for the pilot program, in accordance with the goals of this Act, that shall be adopted by a unanimous vote.

(d) The steering committee must include in the development of the pilot program the following:

(1) Three permanent Bias-Free Case Review Team members for each county with a pilot program. The Review Team shall be diverse in regard to the members' geographic location, race and ethnicity, and gender. All Review Team members shall possess the knowledge, experience, understanding, and training equivalent to that of a child welfare caseworker or investigator, or higher. The Review Team shall be made up of the following:

(A) one child protection supervisor;

(B) one area administrator; and

(C) one regional administrator.

(2) At least 4 alternate Review Team members who meet the same criteria set forth in paragraph (1) to fill in if or when a permanent Review Team member is unable to participate or attend meetings.

(3) A decision regarding a timeline for convening the Bias-Free Case Review Team.

(4) Establishment of decision-making protocols for the following questions:

(i) What constitutes a child protection investigation meeting or not meeting the criteria to be presented to the Review Team?

(ii) Who decides to bring the investigation to the Review Team?

(iii) How and when the Review Team is to convene during holidays, weekends, and after normal business hours?

(e) The steering committee shall ensure that the pilot program includes:

(1) A timeline for when the Bias-Free Case Review Team shall convene.

(2) How and when the child protection investigator or child protection supervisor shall present the investigation to the Bias-Free Case Review Team.

(3) A requirement that, prior to the Review Team convening, the following demographic and identifiable information must be removed from the case notes, intake summary, and investigation:

(A) The name of the child and the child's parents.

(B) The race or ethnicity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(C) The sexual orientation or gender identity of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to the LGBTQ status or gender identity of the child.

(D) The religious affiliation or beliefs of the child and the child's parents, except when the allegations require thoughtful considerations pertaining to a family's culture, ethnicity, or religion.

(E) The disability status of a parent, except when the allegations require thoughtful considerations pertaining to a family's disability status.

(F) The political affiliation or beliefs of the child and the child's parents.

(G) The marital status of the child's parents.

(H) The income level of the child's parents.

(I) The education level of the child's parents.

(J) Any reference to the location of the neighborhood or county of the parent's address.

Redacting the demographic and identifiable information from the intake summary, case notes, and investigation reduces the potential for biased decision making among Review Team members. In adherence with the standards under the Abused and Neglected Child Reporting Act and Department rules, the focus shall instead be on the evidence of safety factors, risk elements, and family strengths. If removal is identified as unwarranted, the Review Team shall make appropriate recommendations to

ensure the safety and well-being of the child, including, but not limited to, voluntary or court-ordered intact family services.

The pilot program shall not prevent a child protection investigator or supervisor from performing routine assignments required under Department policy after taking protective custody of a child.

The redaction of case file information or the preparation of case files for the Review Team shall not be completed by the child protection investigator or the child protection supervisor.

Agreement by a majority of the Review Team members, as shall be outlined in protocol, is needed to render a final decision.

(f) The Department shall develop a tool or rubric for the Review Team to fully document the decision-making process and what led to the final decision.

(1) The Review Team shall make a decision on whether the child's removal from the child's home should be upheld or the child should be returned home to the child's parent.

(2) The Review Team shall submit to the child protection team (child protection worker, child protection supervisor, and area administrator) the final decision in writing.

(g) The steering committee shall have the authority to include additional parameters in developing the pilot program, as necessary, to remain consistent with and fulfill the purpose and goal of the pilot program.

(h) Cases that shall not be included in the pilot program:

(1) Where protective custody is taken by law enforcement or a medical professional.

(2) Cases that involve a forensic interview by a child protective investigator or law enforcement.

(3) Cases that include photographs of injuries.

(4) Any case where the child welfare court has made a determination on the issue of custody.

(i) There is established a Bias-Free Child Removal Advisory Board with the knowledge and understanding of the Department's policies, rules, and procedures that shall include up to 2 of the following members, per pilot area:

(1) community-based partners from the fields of domestic violence, substance abuse, mental health, or housing;

(2) public or private university partners;

(3) a member of an organization that advocates on behalf of parents and families;

(4) a member of an organization that legally represents children who are involved in the foster care system, in the court process;

(5) a member of a statewide organization that advocates on behalf of community-based services for children and families;

(6) a parent with lived experience in the child welfare system;

(7) a former youth in care with lived experience in the child welfare system; and

(8) a member of an organization or office that represents children in legal abuse and neglect proceedings.

The Advisory Board shall be present with the Bias-Free Review Team for all case reviews for the purpose of ensuring that the Review Team executes bias-free removals in accordance with this Act. The Advisory Board shall not be responsible for any decision making.

(j) The Department shall adopt the written protocols developed by the steering committee.

(k) Criteria for determining success. The pilot program shall be considered successful and expanded statewide if it is implemented with fidelity and the evaluation reveals that disproportionality of BIPOC children is reduced by the end of the pilot program. The pilot program shall not be expanded statewide if the evaluation reveals that the bias-free removal process did not reduce disproportionality.

(l) The Department shall adopt rules, policies, and procedures necessary to implement this Act with the assistance of the steering committee. The Department shall present findings of the evaluation to the General Assembly on a yearly basis, with the first report due on January 1, 2025. After year 3 of the pilot program, the Department shall determine the need to expand the pilot program statewide, if data shows an impact on disproportionality, and shall provide a justification for or against statewide expansion. The pilot program does not create a private cause of action in case there is a problem with the application of the bias-free removal process.

Section 30. Repealer. This Act is repealed on January 1, 2027.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Villa, **Senate Bill No. 3720** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 38; NAYS None.

The following voted in the affirmative:

Aquino	Fine	Loughran Cappel	Stadelman
Bailey	Gillespie	McConchie	Tracy
Belt	Glowiak Hilton	Morrison	Turner, D.
Bennett	Harris	Muñoz	Van Pelt
Bush	Holmes	Murphy	Villa
Castro	Hunter	Pacione-Zayas	Villanueva
Connor	Johnson	Peters	Villivalam
Crowe	Jones, E.	Rezin	Mr. President
Cunningham	Joyce	Rose	
Feigenholtz	Koehler	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator DeWitte asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3720**.

SENATE BILL RECALLED

On motion of Senator E. Jones III, **Senate Bill No. 4018** was recalled from the order of third reading to the order of second reading.

Senator E. Jones III offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 4018

AMENDMENT NO. 1 . Amend Senate Bill 4018 as follows:

on page 2, line 20, after "16," by inserting "25.10,"; and

on page 11, immediately below line 5, by inserting the following:

"(225 ILCS 85/25.10)

(Section scheduled to be repealed on January 1, 2023)

Sec. 25.10. Remote prescription processing.

(a) In this Section, "remote prescription processing" means and includes the outsourcing of certain prescription functions to another pharmacy or licensed non-resident pharmacy. "Remote prescription processing" includes any of the following activities related to the dispensing process:

(1) Receiving, interpreting, evaluating, or clarifying prescriptions.

(2) Entering prescription and patient data into a data processing system.

(3) Transferring prescription information.

(4) Performing a drug regimen review.

(5) Obtaining refill or substitution authorizations or otherwise communicating with the prescriber concerning a patient's prescription.

(6) Evaluating clinical data for prior authorization for dispensing.

(7) Discussing therapeutic interventions with prescribers.

(8) Providing drug information or counseling concerning a patient's prescription to the patient or patient's agent, as defined in this Act.

(b) A pharmacy may engage in remote prescription processing under the following conditions:

(1) The pharmacies shall either have the same owner or have a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with all federal and State laws and regulations related to the practice of pharmacy.

(2) The pharmacies shall share a common electronic file or have technology that allows sufficient information necessary to process a non-dispensing function.

(3) The records may be maintained separately by each pharmacy or in common electronic file shared by both pharmacies, provided that the system can produce a record at either location that shows each processing task, the identity of the person performing each task, and the location where each task was performed.

(c) Nothing in this Section shall prohibit an individual employee licensed as a pharmacist, pharmacy technician, or student pharmacist from accessing the employer pharmacy's database from a ~~pharmacist's~~ home or other remote location or pharmacist's home verification for the purpose of performing certain prescription processing functions, provided that the pharmacy establishes controls to protect the privacy and security of confidential records.

(Source: P.A. 100-497, eff. 9-8-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator E. Jones III offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 4018

AMENDMENT NO. 2 . Amend Senate Bill 4018 on page 10, line 26, by replacing "temporary" with "temporarily".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator E. Jones III, **Senate Bill No. 4018** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Syverson
Aquino	Fine	McConchie	Tracy
Bailey	Fowler	Morrison	Turner, D.
Belt	Gillespie	Muñoz	Turner, S.
Bennett	Glowiak Hilton	Murphy	Van Pelt
Bryant	Harris	Pacione-Zayas	Villa

Bush	Holmes	Peters	Villanueva
Castro	Hunter	Plummer	Villivalam
Connor	Johnson	Rezin	Wilcox
Crowe	Jones, E.	Rose	Mr. President
Cunningham	Joyce	Simmons	
Curran	Koehler	Stadelman	
DeWitte	Loughran Cappel	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Villivalam, **Senate Bill No. 3796** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Syverson
Aquino	Fine	McConchie	Tracy
Bailey	Fowler	Morrison	Turner, D.
Belt	Gillespie	Muñoz	Turner, S.
Bennett	Glowiak Hilton	Murphy	Van Pelt
Bryant	Harris	Pacione-Zayas	Villa
Bush	Holmes	Peters	Villanueva
Castro	Hunter	Plummer	Villivalam
Connor	Johnson	Rezin	Wilcox
Crowe	Jones, E.	Rose	Mr. President
Cunningham	Joyce	Simmons	
Curran	Koehler	Stadelman	
DeWitte	Loughran Cappel	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 3:58 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, March 10, 2022, at 10:30 o'clock a.m.